



## WESTERN WEBER COUNTY TOWNSHIP PLANNING COMMISSION

### PLANNING MEETING AGENDA

**March 13, 2012**

**5:00 p.m.**

***Pledge of Allegiance***

***Roll Call:***

1. Minutes: Approval of the February 14, 2012 meeting minutes
2. Consent Agenda:
  - 2.1. DR2012-02 Consideration and action for approval of a site plan of a large accessory building located at 3071 S 3500 W in the Agricultural A-2 Zone (Val Sanders, Applicant)
3. Petitions, Applications and Public Hearings:
  - Old Business:
    - 3.1. ZO-2010-10 Consideration and action for approval of staff amendments to the Weber County Zoning Ordinance Chapter 1 (General Provisions), Chapter 9-A (Shoreline Zone (S-1), Chapter 23 (Supplementary and Qualifying Regulations), Chapter 24 (Parking and Loading Space, Vehicle Traffic and Access Regulations), Chapter 29 (Board of Adjustment), Chapter 31 (Administration), and Chapter 36-B (Hillside Development Review Procedures and Standards) regarding the Weber Board of Adjustment
  - New Business
    - 3.2. LVA052610 Consideration and action for revised preliminary approval of the Allen Horseplay Cluster Subdivision (13 Lots), within the Agricultural A-1 Zone located at approximately 2200 S 3500 W (Vaughn Allen, Applicant)
4. Public Comments:
5. Planning Commissioner's Remarks:
6. Staff Communications:
  - 6.1. Planning Director's Report:
  - 6.2. Legal Counsel's Remarks:

**Adjourn:** Adjourn to the County Commission Chambers for a Work Session

7. Work Session Agenda Items:
  - WS.1. Update & Discussion Agri-Tourism

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. Work Session may be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting*



***In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791***



## Staff Report to the Western Weber Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and/or approval of a site plan for DR 2012-02, a large accessory building  
**Agenda Date:** Tuesday, March 13, 2012  
**Applicant:** Val Sanders  
**File Number:** DR 2012-02

#### Property Information

**Approximate Address:** 3071 South 3500 West  
**Project Area:** 2 acres  
**Zoning:** Agricultural A-2  
**Existing Land Use:** Residential  
**Proposed Land Use:** Residential  
**Parcel ID:** 15-316-0002  
**Township, Range, Section:** 6 North, 2 West, Section 33

#### Adjacent Land Use

<b>North:</b>	Residential, Agricultural	<b>South:</b>	Residential
<b>East:</b>	Agricultural	<b>West:</b>	Agricultural

#### Staff Information

**Report Presenter:** Justin Morris  
jmorris@co.weber.ut.us  
801-399-8763  
**Report Reviewer:** SW

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 6 (Agricultural A-2)
- Weber County Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations)

### Background

Chapter 23-16 (Large Accessory Buildings (1,000 Square Feet or Larger)) states that "accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the Planning Commission as a Design Review." The proposed accessory building is 9,450 square feet and the home is 1,440 square feet, making the accessory building approximately 6.5 times larger than the dwelling.

The building will be used for private storage of equipment. This building is not for any public or commercial use and will only be used by the property owner; furthermore, a covenant stating as such has been signed by the owners and will be recorded on the property. The proposed building is approximately 9,450 square feet (170' x 50'), will be constructed of steel and is approximately 24 feet in height. The building will have ten large bay doors and four man doors. Existing structures on the property include a home. Existing natural landscaping will be used around the building.

All reviewing agencies have responded with no significant concerns.

### Summary of Planning Commission Considerations

Does the proposed build meet the requirements of the Weber County Zoning Ordinance?

### Conformance to the General Plan

This proposal conforms to the West Central Weber County General Plan's Goals & Objectives by meeting the requirements of applicable chapters in the Zoning Ordinance.

### Conditions of Approval

- Requirements of Weber County Building Inspections

- Requirements of Weber County Fire District
- Requirements of Weber County Engineers Office
- Requirements of Weber-Morgan Health Department

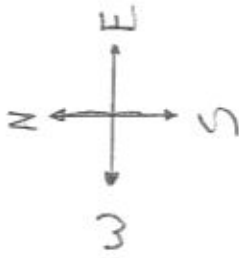
### **Staff Recommendation**

Staff recommends approval of DR 2012-02 subject to staff and other agency comments and recommendations.

### **Exhibits**

- A. Site plan
- B. Application

## Map 1



Val Sanders  
3071 S  
3500 W

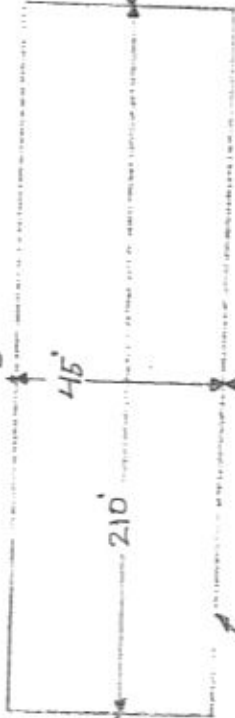
610'

220'

210'

45'

3'



New Storage Building

14'

14'

12'

14'

12'

14'

12'

14'

12'

14'

12'

14'

12'

14'

12'

14'

12'

14'

12'

14'

12'

14'

12'

14'

12'

14'

Existing Shed

Existing House

22'

30'

12'

48'

120'

180'

105'

135'

206'

720'

## Weber County Design Review Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed 2-1-12	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
--------------------------------------	-------------------	-----------------------------	--------------------------

### Property Owner Contact Information

Name of Property Owner(s) Val Sanders	Mailing Address of Property Owner(s) 3884 W 2400 S. Taylor
Phone 801-710-9043	Fax 801-627-2682
Email Address econowasted@hotmail.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Scott Jones	Mailing Address of Authorized Person 2338 W. 2100 S. Syracuse UT 84075
Phone 801-721-9712	Fax 801-773-8670
Email Address SCOTTJONESCONSTRUCTION@hotmail.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

### Property Information

Project Name Vals Storage	Current Zoning	Total Acreage 2
Approximate Address 3071 S. 3500 W Taylor UT	Land Serial Number(s)	

Proposed Use Personal agricultura Storage
--

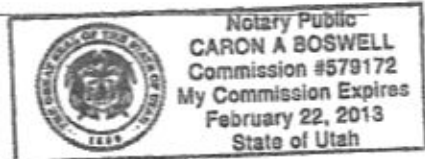
Project Narrative

### Property Owner Affidavit

I (We), Val Sanders, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Val Sanders  
(Property Owner)

(Property Owner)



Subscribed and sworn to me this 1 day of February, 20 12.

Caron A Boswell  
(Notary)

### Authorized Representative Affidavit

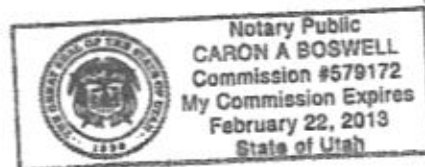
I (We), Val Sanders, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Scott Jones, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Val Sanders  
(Property Owner)

(Property Owner)

Dated this 1 day of February, 20 12 personally appeared before me Caron A Boswell the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Caron A. Boswell  
(Notary)





## Staff Report to the Western Weber Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Staff amendments to the Weber County Zoning Ordinance Chapter 1 (General Provisions), Chapter 9-A (Shoreline Zone (S-1), Chapter 23 (Supplementary and Qualifying Regulations), Chapter 24 (Parking and Loading Space, Vehicle Traffic and Access Regulations), Chapter 29 (Board of Adjustment), Chapter 31 (Administration), and Chapter 36-B (Hillside Development Review Procedures and Standards) regarding the Weber County Board of Adjustment

**Agenda Date:** Tuesday, March 13, 2012

**Applicant:** Weber County Planning Staff

**File Number:** ZO-2010-10

#### Property Information

**Approximate Address:** Not Applicable

**Project Area:** Not Applicable

**Zoning:** Not Applicable

**Existing Land Use:** Not Applicable

**Proposed Land Use:** Not Applicable

**Parcel ID:** Not Applicable

**Township, Range, Section:** Not Applicable

#### Adjacent Land Use

<b>North:</b>	Not Applicable	<b>South:</b>	Not Applicable
<b>East:</b>	Not Applicable	<b>West:</b>	Not Applicable

#### Staff Information

**Report Presenter:** Sean Wilkinson  
swilkinson@co.weber.ut.us  
(801) 399-8765

**Report Reviewer:** JG

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 1 (General Provisions)
- Weber County Zoning Ordinance Chapter 9-A (Shoreline Zone S-1)
- Weber County Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations)
- Weber County Zoning Ordinance Chapter 24 (Parking and Loading Space, Vehicle Traffic and Access Regulations)
- Weber County Zoning Ordinance Chapter 29 (Board of Adjustment)
- Weber County Zoning Ordinance Chapter 31 (Administration)
- Weber County Zoning Ordinance Chapter 36-B (Hillside Development Review Procedures and Standards)

### Background

The purpose and intent of Chapter 29 is to establish rules and procedures, consistent with Utah state code, which govern the Board of Adjustment in considering appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps, and variances from the requirements of the Weber County Zoning Ordinance.

The Planning Division, in administering this Chapter has found that it and several other chapters which reference the Board of Adjustment are in need of updating. The proposed amendments to Chapter 29 (Board of Adjustment) and the other chapters are meant to simplify and clarify the existing language. There is also a need to bring the criteria for appeals and variances from the Weber County Zoning Ordinance into conformance with Utah state code.

Both Planning Commissions and the Board of Adjustment previously held work sessions and made separate recommendations to the Planning Division regarding the amendments to these chapters. The Western Weber Planning Commission on July 12, 2011 and the Ogden Valley Planning Commission On July 26, 2011 held a public hearing and

recommended approval of the proposed amendments to the Weber County Commission. The ordinance amendments as recommended by both Planning Commissions were presented to the Weber County Board of Adjustment in a training session on September 8, 2011. The Board of Adjustment asked staff to further clarify the process for reviewing and signing notices of decision, and the options available for managing meetings, e.g., deliberating in public or private. In addition to these issues, several new changes were made to Chapter 23 regarding requirements for special exceptions, i.e., flag lots, access by private rights-of-way or easements, and access to lots at a location other than across the front lot line. Finally, several other chapters that referenced the Board of Adjustment have been brought into conformance with the proposed amendments to Chapter 29. Based on the Board of Adjustment's request for clarification and the other new amendments to the Zoning Ordinance, it is necessary for the Planning Commission to make a new recommendation to the County Commission.

The Planning Commission had previously discussed and made recommendations regarding the following policy questions:

1. Should the Board of Adjustment have more duties and powers than staff is proposing?
2. Which body (staff, planning commission or board of adjustment) should handle special exceptions?
3. If special exceptions are removed from Chapter 29, where in the Zoning Ordinance should they be relocated?
4. Are the existing criteria for special exceptions adequate?
5. How should notice for Board of Adjustment meetings be handled?
6. Should citizens from outside the unincorporated area of the County be allowed on the Board?
7. How should extensions be handled for Board decisions that have not been acted upon within the specified time frame?

Each of the policy questions, the original Zoning Ordinance amendments, the new Zoning Ordinance changes, and staff's determination regarding the Board of Adjustment's request are addressed below. Previous recommendations from both Planning Commissions and the Board of Adjustment have been considered and incorporated as appropriate. Each section in Chapter 29 and other applicable chapters are addressed below with an explanation of the changes that were made. Please see Exhibits A - D for the specific language.

#### **Chapter 29**

**29-1. Purpose and Intent:** A purpose and intent statement which explains the Board of Adjustment's role was created for this chapter.

**29-2. Board Membership and Organization:** This section explains how the Board of Adjustment is organized and how members are appointed. The Planning Commission previously recommended that only residents of unincorporated Weber County be allowed to serve on the Board of Adjustment (**Policy Question 6**).

**29-3. Duties and Powers of the Board: (Policy Question 1)** This section lists the duties and powers that the Board of Adjustment has been given. The existing ordinance has 12 duties and powers but state code mentions only the two duties and powers including granting appeals and granting variances from the Zoning Ordinance requirements. These are the two duties that are proposed in the amended language. Staff is recommending that the Zoning Ordinance language be consistent with state code. The Planning Commission previously recommended approval of this proposed amendment.

Most of the existing duties and powers will be eliminated because they are redundant or the power to make the decision has been given to another group, like the Planning Commission, or has been located elsewhere in the Zoning Ordinance. For example, the Planning Commission can vary the number of parking stalls based on language from Chapter 24 (Parking) of the Zoning Ordinance, thus eliminating the need for the existing duty and power number 5.

**(Policy Questions 2, 3, and 4)** The special exceptions (existing duty and power 10a, 10b, and 11) for flag lots, private rights-of-way/easements, and access at a location other than across the front lot line will be moved to Chapter 23 of the Zoning Ordinance. Staff is recommending that these special exceptions become administrative reviews handled by staff and appealable to the Board of Adjustment. The criteria and standards for these uses have been updated since the Planning Commission previously made its recommendation to move these uses to Chapter 23, based on the recommendations of staff, the Weber Fire District and the Weber County Engineering Division. One of the notable updates is the inclusion of agricultural parcels in the criteria section of private rights-of-way/easements. The proposed amendment allows bona-fide agricultural parcels with agriculture as the main use to use private rights-of-way/easements as the main access to the parcel, meaning that frontage on a road is not required. In addition to the updates, the organization and placement of the criteria and standards within the sections have changed, but the new format is more clear and objective. Please see Exhibit B for the specific language.

By making these changes, the approval process for these uses will be cut in half. For example, a flag lot must first be approved by the Board of Adjustment, and then by the Planning Commission as a subdivision. The current process reduces efficiency and effectiveness, and puts the Board of Adjustment in the position of acting as a land use authority, rather than as a quasi-judicial body. Staff reviews will save time and will allow the Planning Commission to focus on policy matters rather than administrative actions.

**29-4. Decision criteria and standards:** This section discusses the criteria and standards associated with appeals and variances from the Weber County Zoning Ordinance. The language for this section comes almost completely from Utah state code. This section now provides much more detail than was previously available. A 15 calendar day appeal period is being proposed, as well as designating a review of the record as the standard of review. The Planning Commission previously recommended approval of this proposed amendment.

**29-5. Procedure:** This section describes and clarifies the application process, notice to neighboring property owners, notices of decision, filing of minutes, expiration of approvals, and appeals of the Board's decisions. **(Policy Question 7)** Staff is recommending that no time extensions be given for variance approvals. The Planning Commission previously recommended approval of this proposed amendment.

This section is one section where the Board of Adjustment requested further clarification. 29-5.2 states that the Board of Adjustment shall hold a public meeting in order to make decisions. The Board asked staff to include language regarding its ability to hold a public meeting but deliberate in private, issue decisions by letter, or conduct the meeting in other ways as the Board deemed necessary. Staff discussed this request internally and with legal counsel. Through these discussions it was made clear that the Board, as a quasi-judicial body, already has the ability to act as mentioned previously. However, trying to list all of the ways in which the Board can conduct a meeting is restrictive and impractical for inclusion in the Zoning Ordinance. The Board can include guidelines on this subject in its own Rules of Procedure and Ethical Conduct. Staff recommends that 29-5.2 remain as written in Exhibit A.

Section 29-5.3.A, which discusses the process for issuing a notice of decision, is the other section where the Board asked for clarification. The Board asked for a specific process that required a Board review and signature on the notice of decision to be included in the language. Staff again discussed this request internally and with legal counsel. Through these discussions it was made clear that the Board is not currently restricted to a certain process for handling notices of decision, which allows for flexibility and timeliness. Staff determines how the notice will be handled based on the complexity of the case and the likelihood of an appeal to District Court. Some notices are simple letters signed by staff which state the Board's decision, while others are multiple page findings and conclusions that are signed by legal counsel and the Board Chair. While the Board's request has its merits, adding a process that reduces efficiency and timeliness, limits flexibility, and prolongs appeal deadlines is not in the County's best interest. Staff recommends that 29-5.3.A remain as written in Exhibit A.

## **Chapter 23**

The proposed amendments to Chapter 23 are discussed in Section 29-3 on Page 2 of this staff report.

## **Chapter 31**

Staff is proposing amendments to

Chapter 31 Sections 2, 4, and 7 regarding the Planning Director's administrative authority, the date of final decisions, and the process for appeals.

**31-2.** This section adds flag lots, private rights-of-way/easements, and access at a location other than across the front lot line as administrative approvals for the Planning Director or designee.

**31-4.** This section adds the Planning Director or designee as an approving authority and clarifies that decisions are final when the written notice of decision has been issued (see Chapter 29 Section 5.3.A).

**31-7.** This section clarifies the process for appeals and designates the Board of Adjustment as the appeal authority for administrative decisions. The Planning Commission previously recommended approval of these proposed amendments.

## **Chapter 1**

**1-1.** The term Appeal Authority has been clarified to explain that the Board of Adjustment is not the only Board with authority to hear appeals. The Zoning Ordinance also designates the County Commission as an appeal authority in some cases.

1-4. The Board of Adjustment already has the authority to interpret the Zoning Ordinance, so it follows that the Board should be designated as the ruling authority on conflicts within the Zoning Ordinance.

1-6. The definitions of "Appeal Authority", "Lot", and "Lot, Flag" have been amended and the definition of "Land Use Authority" has been added.

#### **Chapter 9-A**

9-A-6. The County Engineer has replaced the Board of Adjustment as the authority to determine adequate measures for protecting land and buildings from flood damage.

#### **Chapter 24**

24-2A. The term Land Use Authority has replaced the Board of Adjustment as the Board with the authority to grant special exceptions for access to lots. Land Use Authority in this case refers to staff based on the proposed amendments to Section 31-2 discussed previously.

#### **Chapter 36-B**

36-B-2. The definition of "Lot" has been amended and brought into conformance with the definition located in Section 1-6. This amendment is similar to the amendment in Chapter 24 wherein staff is replacing the Board of Adjustment as the Land Use Authority that can grant special exceptions to access requirements.

### **Summary of Planning Commission Considerations**

- Are the proposed amendments consistent with the purpose and intent statement in the ordinance?
- Are the proposed amendments clear, objective, and reasonable?

### **Conformance to the General Plan**

This is a legislative matter. The draft ordinance is consistent with both General Plans.

### **Conditions of Approval**

Not Applicable

### **Staff Recommendation**

Staff recommends that the Western Weber Planning Commission recommend that the Weber County Commission adopt the amendments to Chapters 1, 9-A, 23, 24, 29, 31, and 36-B.

### **Exhibits**

- A. Weber County Zoning Ordinance Chapter 29 (Board of Adjustment) Proposed Amendments
- B. Weber County Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations) Proposed Amendments
- C. Weber County Zoning Ordinance Chapter 31 (Administration) Proposed Amendments
- D. Weber County Zoning Ordinance Chapters 1 (General Provisions), 9-A (Shoreline Zone S-1), 24 (Parking and Loading Space, Vehicle Traffic and Access Regulations), and 36-B (Hillside Development Review Procedures and Standards) Proposed Amendments
- E. July 12, 2011 Western Weber Planning Commission Minutes
- F. Public Comments

# Exhibit A

February 17, 2012

## CHAPTER 29

### BOARD OF ADJUSTMENT

- 29-1. Purpose and Intent
- 29-12. Board Membership and Organization
- 29-3. Duties and Powers of the Board
- 29-4. Procedure Decision Criteria and Standards
- 29-5. Procedure

---

#### 29-1. Purpose and Intent

The purpose and intent of this chapter is to establish rules and procedures, consistent with Utah state code, which govern the Board of Adjustment in considering appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps, and variances from the requirements of the Weber County Zoning Ordinance. The Board of Adjustment serves as Weber County's final arbiter of issues involving the interpretation or application of the Weber County Zoning Ordinance.

---

#### 29-12. Board Membership and Organization

1. The Board of Adjustment shall consist of five (5) members and two (2) alternate members from the unincorporated area of Weber County.
  - A. Board members shall be appointed by a simple majority vote of the County Commission.
  - B. Board members shall serve for a term of five years, and expirations of terms shall be staggered so that an overlapping of terms occurs.
  - C. Any vacancy(s) occurring on the Board shall be filled via appointment by a simple majority vote of the County Commission. Any vacancy occurring because of resignation, removal, disqualification, or other reason shall be filled for the unexpired term of the vacating member.
2. The Board of Adjustment shall annually elect a Chairperson and Vice-Chairperson from its membership. Each officer shall hold office for a one year period and not longer than two years consecutively.
3. Members of the Board of Adjustment shall be subject to all applicable County ordinances regarding conflicts of interest and ethics. A violation of these provisions shall be grounds for removal from the Board of Adjustment. The County Commission may remove or replace any board member for cause. Removal or replacement of a board member requires a majority vote of the full County Commission. in a public meeting.

The Board of Adjustment shall consist of five (5) members and two (2) alternate members who shall be appointed by the Board of County Commissioners. Each member and alternate member shall be appointed for a term of five (5) years and may be removed from membership for cause by the appointing authority, upon written charges and after

February 17, 2012

public hearing except that the first five (5) members so appointed One member shall be appointed to serve one (1) year, one member two (2) years, one member three (3) years, one member four (4) years and one member five (5) years. In the month of June each year one member shall be appointed for a five-year period to take the place of the member whose term shall next expire. Any vacancy occurring on the Board by reason of death, resignation, removal, or disqualification shall be promptly filled by the Board of County Commissioners for the unexpired term of the vacating member. Not fewer than three members of the Board of Adjustment shall be residents of the unincorporated area of Weber County.

## **29-2. Organization**

The Board of Adjustment shall organize and elect from its members a chairman and vice chairman and adopt rules of procedure and regulations not inconsistent or in conflict with state laws or with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such time as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action; all of which shall be immediately filed in the office of the Board and shall be a public record.

---

## **29-3. Duties and Powers of the Board**

Amd.98-26

In addition to any other powers given by State law or this Ordinance, upon the timely filing of an appeal, within 15 days, from the date of the final decision being appealed, after proper notice and Public Hearing, The Board of Adjustment shall have the following duties and powers:

1. To act as the appeal authority from decisions applying the Weber County Zoning Ordinance and Zoning Maps.
2. To hear and decide variances from the requirements of the Weber County Zoning Ordinance.

---

## **29-4 Procedure Decision Criteria and Standards**

1. Appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps
  - A. The Board of Adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Weber County Zoning Ordinance and Zoning Maps.
  - B. The Board of Adjustment may hear only those decisions in which the land use authority has applied the Weber County Zoning Ordinance or Zoning Maps to a particular application, person, or parcel.
  - C. The appellant has the burden of proof that the land use authority erred.
  - D. All appeals to the Board of Adjustment shall be filed with the Planning Division not more than 15 calendar days after the date of the written decision of the land use authority.
  - E. Appeals to the Board of Adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.

February 17, 2012

2. Variances from the requirements of the Weber County Zoning Ordinance
  - A. Any person(s) or entity desiring a waiver or modification of the requirements of the Weber County Zoning Ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Zoning Ordinance.
  - B. The Board of Adjustment may grant a variance only if the following 5 criteria are met:
    1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
      - a. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
      - b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
    2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
      - a. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.
    3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
    4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
    5. The spirit of the land use ordinance is observed and substantial justice done.
  - C. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
  - D. Variances run with the land.
  - E. The appeal authority may not grant a use variance.
  - F. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
    1. Mitigate any harmful effects of the variance; or

February 17, 2012

2. Serve the purpose of the standard or requirement that is waived or modified.

1. ~~To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made in the enforcement of this Ordinance.~~

2. ~~To hear and decide requests for decisions on special questions upon which such Board is authorized to pass.~~ 21-83

3. ~~To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be preserved and substantial justice done.~~

4. ~~To interpret the zoning map and zoning ordinance.~~

5. ~~To reduce the amount of off street parking required, where acquisition of land for such use would cause exceptional hardship.~~

6. ~~Where a zone boundary line divides a lot in single ownership at the time of the passage of this Ordinance, permit the extension of a use or building situation on the portion of such lot which lies in the less restricted zone into the more restricted zone, provided that such extension shall be subject to all regulations of the less restricted zone and shall extend not more than one hundred (100) feet into the other portion of the lot in the more restricted zone.~~

7. ~~Permit for a period not to exceed one (1) year in a residential zone a temporary building or use of a commercial or industrial nature which building or use is incidental and necessary to the construction of the residential development.~~

8. ~~To permit a nonconforming use to be changed to another use permitted in the same or a more restricted zone than the one in which the nonconforming use would be a permitted use; and which, in the opinion of the Board of Adjustment either by general rule or on decision in a specific case, will be out of harmony or incongruous with existing and prospective uses in the neighborhood to a less degree than is the nonconforming use that it replaces, with respect to noise, odor, atmospheric emission or pollutant, or physical hazard, and to no greater degree with respect to traffic related to the proposed use, display or use of illumination, general activity, probable duration of the proposed use, or other factors having a bearing on the harmonious relation to one use to another.~~

9. ~~To permit the relocation on a lot of a nonconforming building or structures occupied by a nonconforming use, provided the building or structure shall comply with all the height, yard and area requirements in the zone in which it is located.~~

10A. ~~To permit as a special exception and subject to No. 12 below, the construction of a dwelling or a building upon a lot, which does not have frontage on a street but has access to said lot by a private right of way, where the Board of Adjustment considers it unfeasible or impractical to extend a street to provide access to such lot because of unusual topographic or property boundary conditions. Before approval by the Board of Adjustment to build on any private right of way, the land owner of record shall place a covenant to run with the land agreeing to participate in the cost of developing any future road required by the county to replace the private right of way as required access to additional lots.~~ 96-11, 96-43

10B. ~~To permit Lots with Access Strips known as Flag Lots by Special Exceptions meeting the following criteria:~~

1. ~~Lots not having frontage on a street as required by this ordinance, but having access to such street by means of fee title access strips may be approved as "Special Exceptions" by the Board of Adjustment in any zone, provided that:~~

February 17, 2012

- A. — The Board of Adjustment determines that it is not feasible or desirable to extend a street to serve such lot or lots at that time. Criteria to be used in determining feasibility or desirability of a street shall include, but not be limited to, topography, boundaries, and/or an area in which a road would not open an area of 5 acres or more for development.
  - B. — The access strip shall have a minimum width of 20 ft., a maximum width of 30 ft., a maximum grade of 15%, and a minimum vertical clearance of 14.5 ft.
  - C. — The area of the access strip shall not be included within the minimum lot area requirement.
  - D. — The lot shall meet all minimum yard and area requirements of the zone in which it is located, exclusive of the access strip.
  - E. — Buildings shall be setback a minimum of 30 feet from any property line and 30 feet from the extension of the flag lot access strip. The depth of the front yard shall be the distance between the front line of the building and the property line or nearest line of the access strip which the building faces.
  - F. — The lot address shall be displayed in a prominently visible location at the street entrance to the access strip.
  - G. — Each lot shall access a street by means of its own access strip. Successive stacking of lots on the same access strip is not permitted.
  - H. — No building, structure or parking is allowed in the access strip which is to be used solely as access to the lot.
  - I. — The Board of Adjustment shall impose such other conditions to ensure safety accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.
  - J. — No access strip shall exceed 800 feet in length.
  - K. — A maximum of two flag lot access strips may be adjacent to each other.
  - L. — A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access strip at a maximum distance of 200 feet from the public street.
  - M. — A turn-around area be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface, capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
  - N. — Bridges, including decking and culverts shall be capable of supporting a minimum 20-ton weight capacity.
  - O. — Switchback turns in sloped areas shall have a minimum 75-foot radius.
  - P. — Road surfaces on private access ways shall have a minimum 12 foot finished road surface capable of supporting a 20-ton weight capacity with a surface approved by the County Engineer.
  - Q. — A fire hydrant or other suppression method MAY be required by the Fire Chief.
  - R. — The home location shall be shown on a plan submitted to the Fire District.
2. — No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision.
3. — The lot area exclusive of the access strip shall be a minimum of 3 acres.
4. — The flag lot shall meet the minimum lot width requirements for the zone in which the lot is located, at the end of the access strip.
5. — Application for subdivision shall be filed and recorded within 18 months of approval of Flag Lot. If not filed and recorded within 18 months, said Flag Lot approval shall expire and be null and void.
6. — No subdivision shall be vacated, re-subdivided or changed in order to meet the

February 17, 2012

requirements of this chapter.

2003-11

11. To allow by Special Exception access to lots at a location other than across the front lot line provided the following criteria are met:

1. Special circumstances are attached to the property covered by the application which does not generally apply to other property in the same zone.

2. Special or unique boundary conditions exist regarding the property for which an application has been submitted.

3. Topographic or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access.

4. The Board of Adjustment shall consider but not be limited to the following:

1. The access strip shall have a maximum grade of 15%.

2. A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access at a maximum distance of 400 feet from the public street.

3. A turnout area be provided at the home location to allow firefighting equipment to turn around. This area must be a year round surface capable of supporting fire equipment (a minimum 45 foot radius if circular)

2002-7

4. Bridges including decking and culverts must be capable of supporting a minimum 20-ton weight capacity.

5. Switchback turns in sloped areas must have a minimum 75-foot radius.

6. Road surfaces on private access ways shall have a minimum 12-foot road surface width and be capable of supporting a 20,000-pound weight capacity with a surface approved by the County Engineer.

2002-7

7. A fire hydrant or other fire suppression method may be required by the fire district.

2002-7

8. The home location shall be shown on a plan submitted to the fire district.

96-43

12. In exercising the above mentioned powers, such Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; provided, that before any variance may be granted it shall be shown that:

1. The variance will not substantially affect the comprehensive plan of zoning in the County and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

2002-7

2. Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

3. That because of said special circumstances, property covered by application is deprived of privileges possessed by other property in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

4. That the condition and/or circumstances are not considered to be economic hardships or self-imposed hardships.

2002-7

13. The concurring vote of at least three (3) of the five (5) members of the Board shall be necessary to

February 17, 2012

reverse any order, requirement or determination of such administrative official, or to decide in favor of such applicant on any matter on which it is required to pass, or to affect any such variation or special exception to this Ordinance. 98-26

14. If an affirmative decision is made by the Board of Adjustment in exercising any of the powers listed in paragraphs 3, 4, 6, 9 and 10 of this Section, that approval shall be valid for a period of time not longer than 18 months from the date of the decision of the Board. Any interpretation or affirmative decision made in exercising any of the powers listed in paragraphs 5 or 7, shall be valid until an amendment to the Zoning Map or Ordinance is made which changes the conditions upon which the interpretation or decision was made. 22-85, 96-3

---

#### 29-45. Procedure

The Board of Adjustment shall adopt rules and regulations, consistent with Utah state code and Weber County ordinances, for conducting its business and may amend such rules from time to time. Such rules may include policies and procedures for the conduct of its meetings, the processing of applications, the handling of conflict of interest and any other purpose considered necessary for the functioning of the board.

##### 1. Application and Notice.

★ A. Any person or entity wishing to petition the Board of Adjustment for an appeal or interpretation of the Zoning Ordinance or Zoning Maps, or for a variance from the requirements of the Zoning Ordinance may commence such action by completing the proper application and submitting it to the Weber County Planning Division office. Applications must be submitted at least 30 days prior to the date of the meeting at which the application will be considered. The application must clearly explain the appeal, interpretation, or variance being requested, and must be accompanied by the required fee and applicable supporting information.

B. After a complete application has been submitted and accepted, the Planning Division shall prepare a staff report to the Board of Adjustment, schedule a meeting of the Board, and send notice to property owners within 500 feet of the parcel on which the request has been made. Notice may be sent to other interested persons or organizations upon written request.

##### 2. Meeting.

A. The Board of Adjustment shall hold a public meeting to decide upon the appropriate action to be taken on an appeal, variance, or interpretation request. The concurring vote of at least three (3) of the five (5) Board members is required to decide in favor of the request.

##### 3. Decision and Minutes.

A. After the Board of Adjustment has made a decision, a notice of decision shall be prepared by the Planning Division and sent to the appellant in accordance with Chapter 31 Section 4 of the Weber County Zoning Ordinance. This notice acts as the Board's written decision for an appeal, variance, or interpretation request. Decisions of the Board of Adjustment shall be final at the time a notice of decision is issued.

B. The minutes of all meetings of the Board of Adjustment shall be prepared and filed in the Weber County Planning Division office. The minutes shall be available for public review and access in accordance with the Government Records and Access Management Act.

February 17, 2012

4. Expiration.

- A. If the Board has decided in favor of a variance request, the approval is valid for a period of 18 months. If an approved variance request has not been acted upon within this time frame, the approval shall expire and become void.
- B. If the Board has made an interpretation to the Zoning Map or Zoning Ordinance, the interpretation is valid until an amendment to the Zoning Map or Zoning Ordinance is made which changes the conditions upon which the interpretation or decision was made.

5. Appeal of Decision.

- A. Appeals from decisions of the Board of Adjustment are made directly to the District Court as designated in Utah state code.

Each appeal to the Board shall be on a form provided by the Board and all information called for by such form shall be furnished by the appellant. Before making its decision, the Board shall hold a hearing upon the appeal. Notice of the time and place of such hearing shall be sent by mail to the appellant, to the owners of all property contiguous to the property with which the appeal is concerned and of all properties opposite said property measured at right angles to the intervening street or streets, and to the Planning Commission and the Building Inspector, at least five (5) days previous to the day fixed for the hearing. Such notice shall contain the name of the appellant, the time and place fixed for the hearing, and a brief statement of the error alleged by the appellant or of the special exception or other question or variance for which the appellant appeals. Before any appellant shall be entitled to any hearing or decision, he shall pay to the Board the expenses of the appeal, including the sending of notices, as fixed by the Board, such payment or the estimated amount of same to be paid with the filing of the appeal. The Board may give notice to other interested persons and organizations.

The hearing may be adjourned from time to time, and if the time and place of the adjourned meeting be publicly announced at the hearing at the time of the adjournment, no further notice of such adjourned meeting shall be required.

2. ——— Each appeal, filed in proper form with the required fees, shall be numbered serially, docketed, and shall be placed upon the calendar of the Board and shall be heard in the order in which they appear on the calendar, unless advanced for hearing by order of the Board for good cause shown. The calendar of cases to be heard shall be posted in the office of the Board five days before the meeting at which the hearing is scheduled.

3. ——— A Letter or Decision or any other action of the Board shall be sent to the applicant informing him/her that the minutes of such meeting are available at the Planning Commission Office upon the Board's approval of the minutes. The minutes shall contain findings as the basis for the Board's decision or action and the vote of each member of the Board, those absent being so marked.

22-85, 2002-

# Exhibit B

February 17, 2012

## CHAPTER 23

### SUPPLEMENTARY AND QUALIFYING REGULATIONS

2009-14

23-1.	Purpose and Intent	
23-2.	Projections Permitted into Required Yard Setbacks	
23-3.	Fencing Requirements	
23-4.	Rear Yard Coverage	
23-5.	Exceptions to Height Limitations	
23-6.	Minimum Height of Dwelling	
23-7.	Clear View of Intersecting Streets	
23-8.	Setbacks for Animals and Fowl	
23-9.	Water and Sewage Requirements	
23-10.	Required Building Setback from Designated Collector or Arterial Streets	
23-11.	Group Dwellings	
23-12.	Towers	
23-13.	Residential Facility for Persons with a Disability - Facility Requirements	17-87
23-14.	Residential Facility for Troubled Youth - Facility Requirements	6-92
23-15.	Residential Facility for Elderly Persons - Facility Requirements	12-91
23-16.	Large Accessory Buildings	
23-17.	New Construction in Residential and Commercial Developments	
23-18.	Swimming Pools	14-92
23-19.	Building on Dedicated Substandard Streets or Public by Right of Use Roads	
23-20.	Occupying Recreational Vehicles	
23-21.	No Obstruction of Irrigation Ditches, Drains and/or Canals	2002-9
23-22.	Temporary Real Estate Sales Office	2003-8
23-23.	River and Stream Corridor Setbacks	2005-19, 2008-4
23-24.	Wind Energy Conversion Systems (Small Wind Energy Systems)	2008-8
23-25.	Nightly Rentals	
23-26.	Land Use Applications Involving Lots/Parcels with Existing Violations	
23-27.	Solar Energy Systems	
23-28.	<u>Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards</u>	
23-29.	<u>Flag Lots</u>	
23-30.	<u>Access to a Lot/Parcel Using a Private Right-of-Way or Access Easement</u>	
23-31.	<u>Access to a Lot/Parcel at a Location Other than Across the Front Lot Line</u>	

---

#### 23-28. Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards

1. In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-of-way, or access easements as the primary means of ingress and egress, the following standards shall be met, in addition to the individual requirements of Sections 23-29, 23-30, and 23-31 below:

A. Design standards.

1. The flag lot access strip, private right-of-way, or access easement shall have a minimum width of 20 feet and a maximum width of 30 feet.
- ★ 2. The finished road surface on the flag lot access strip, private right-of-way, or access easement

February 17, 2012

- ★ shall be a minimum of 12 feet wide if the access is under 150 feet in length, and a minimum of 20 feet wide if the access is 150 feet or greater in length.
- 3. The finished road surface of the flag lot access strip, private right-of-way, or access easement shall be capable of supporting a minimum weight of 75,000 pounds.
- ★ 4. A minimum turnout measuring at least 8 feet by 30 feet shall be provided adjacent to the traveled surface of the flag lot access strip, private right-of-way, or access easement at a maximum distance of 200 feet from the public street.
- 5. The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of 15%. However, Fire District approval is required for any access that exceeds a grade of 10%.
- 6. The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical clearance of 14.5 feet.
- 7. No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-of-way, or access easement.
- 8. Bridges, including decking and culverts shall be capable of supporting a minimum weight of 75,000 pounds.
- 9. Switchback turns in sloped areas shall have a minimum 75 foot radius.
- 10. Water and sewer lines located within the flag lot access strip, private right-of-way, or access easement require written notification from the agencies providing such services.

B. Safety standards.

- 1. The lot address shall be displayed in a prominently visible location at the street entrance to the flag lot access strip, private right-of-way, or access easement.
- 2. A turn-around area shall be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
- 3. A fire hydrant or other suppression method may be required by the Fire District.
- 4. The home location shall be shown on a plan submitted to the Fire District.
- 5. Conditions may be imposed by the Land Use Authority to ensure safety, accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.

C. Lot/parcel standards

- 1. The lot/parcel shall meet all minimum yard and area requirements of the zone in which it is located.
- 2. Buildings shall be set back a minimum of 30 feet from the end of the flag lot access strip, private right-of-way, or access easement
- 3. The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located at the end of the access strip.
- 4. The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement constructed in conformance with Section 23-28 prior to the issuance of Land Use Permits or Building Permits.

---

**23-29. Flag Lots**

- 1. The Land Use Authority shall determine whether or not it is feasible or desirable to extend a street to serve a lot(s)/parcel(s) or lots at the current time, rather than approving a flag lot. Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five (5) acres or more in Western Weber County and ten (10) acres or more in the Ogden Valley for development.
- 2. The lot area exclusive of the access strip shall be a minimum of 3 acres.
- 3. Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.

February 17, 2012

4. No access strip shall exceed 800 feet in length.
  5. A maximum of two flag lot access strips may be located adjacent to each other.
  - ★ 6. No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.
- 

**23-30. Access to a Lot/Parcel Using a Private Right-of-Way or Access Easement**

Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

**1. Criteria**

- a. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
- b. Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

**2. Conditions**

- a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and
  - b. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.
- 

**23-31. Access to a Lot/Parcel at a Location Other than Across the Front Lot Line**

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

1. The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line.
2. It shall be demonstrated that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

# Exhibit C

February 17, 2012

## CHAPTER 31

### ADMINISTRATION

2009-28, 2010-20

- 31-1. Purpose and Intent
- 31-2. Administrative Authority
- 31-3. Fees for Processing Applications
- 31-4. Notice of Decision
- 31-5. Hearing and Publication Notice for County Commission
- 31-6. Permits and Licensing
- 31-7. Appeals
- 31-8. Temporary Exceptions
- 31-9. Penalties
- 31-10. Validity

---

#### 31-1 Purpose and Intent

The purpose of this section is to establish regulations and procedures for the processing and consideration of applications allowed by the Weber County Zoning Ordinance.

---

#### 31-2 Administrative Authority

The Planning Director, or designee, is authorized to deny, approve, or approve with conditions an application for an administrative approval. Administrative approval can be given for the following applications: site plans with buildings under 10,000 square feet located on a parcel less than one acre in size, home occupations with or without visiting clientele, combining of lots within an approved subdivision which meet ordinance requirements, ~~and~~ minor subdivisions as defined by the subdivision definition, flag lots, access to a lot/parcel using a private right-of-way or access easement, and access to a lot/parcel at a location other than across the front lot line. The Planning Director may deny an application for an administrative approval if the use fails to comply with specific standards set forth in this ordinance or if any of the required findings are not supported by evidence in the record as determined by the Director. At the discretion of the Planning Director, the Planning Commission can hear the request for an administrative approval.

The administrative approval process includes public notice and comment from adjacent property owners, as required by state code.

---

#### 31-3 Fees for Processing Applications

Fees for processing applications shall be established by ordinance.

February 17, 2012

Applications except subdivisions that have been deemed complete and have not been acted on by the appropriate board shall expire after six-months. The applicant will have to submit a new application and fees to restart the process.

---

#### **31-4 Notice of Decision**

After hearing the evidence and considering the application, the approving authority (Planning Commission, Planning Director or designee, Board of Adjustment, and County Commission on land use applications) shall make its findings and have them entered in the minutes. Upon a decision by the approving authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application. A Notice of Decision can be either a new written notice, a copy of the administrative approval form signed by the Planning Director or designee, or a copy of the approved minutes. A decision by the approving authority is final until the time for appeal expires at the time the notice of decision is issued. If a notice of decision is not sent, the decision shall be effective final on the date the minutes from the meeting are approved by the approving authority. The Planning Division shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Decisions are subject to requirements and conditions stated in the staff report and listed in the meeting minutes.

---

#### **31-5 Hearing and Publication Notice for County Commission**

Before finally adopting any such legislative amendment, the Board of County Commissioners shall hold a public hearing thereon, at least fourteen (14) days notice of the time and place of which shall be given as per state code. The unanimous vote of the full body of the County Commission is required to overturn the recommendation of the Planning Commission, if there was a unanimous vote of the Planning Commission in favor or denial of the petition.

---

#### **31-6 Permits and Licensing**

All departments, officials, and public employees of Weber County, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provisions of the Ordinance, shall be null and void.

---

#### **31-7 Appeals**

All Appeals from administrative decisions shall be submitted to the Weber County Planning Division not more than 15 calendar days from after the date of the written notice of decision in accordance with Chapter 29 Section 5 of the Weber County Zoning Ordinance. Appeals from administrative decisions shall be heard by the Weber County Board of Adjustment.

---

#### **31-8 Temporary Exceptions**

The Weber County Commission has the authority to grant, by motion, temporary exceptions from any term or condition of the Weber County Zoning Ordinance for a period ~~of~~ not to exceed three (3) months in duration. Time may be extended for an additional three (3) months by the County Commission, for a total duration for any one tract of land not to exceed six (6) months. The granting of a temporary

February 17, 2012

exception may be made by the County Commission with or without a recommendation from the Planning Commission. Such temporary exceptions may be granted upon the County Commission determining that such a temporary exception is justified because of some extraordinary, or emergency situation, or act of God situation, and that the health, safety, convenience, order, and welfare of the inhabitants of Weber County will not be substantially affected, if such temporary exception is granted.

---

**31-9 Penalties**

Any person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted. Any person, firm, or corporation that violates the provisions of this ordinance shall be guilty of a misdemeanor and punishable as provided by law.

---

**31-10 Validity**

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared invalid.

---

February 17, 2012

Exhibit D

#### Chapter 1 Amendments (General Provisions)

**APPEAL AUTHORITY:** A person, board, commission, agency, or other body designated to decide an appeal of a decision of a land use application or variance. ~~Any appeals of the Land Use Authority will be heard by the Board of Adjustment outlined in Chapter 29 of the Weber County Land Use Ordinance. Appeal of Conditional Use applications will be heard by the Board of County Commissioners.~~

**LAND USE AUTHORITY:** A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

**LOT:** ~~A parcel of land occupied or capable of being occupied by an allowed use, having frontage upon a street. Except where specified, not more than one (1) dwelling structure shall occupy any one (1) lot.~~ A parcel of land occupied or capable of being occupied by an permitted allowed use, building, or group of buildings (main and accessory), together with such yards, open spaces, parking spaces and other areas required by the Weber County Zoning Ordinance, and/or the Subdivision Ordinance ~~of Weber County~~, having frontage upon a street or having access upon a right-of-way, access easement, or flag lot access strip approved by the ~~Board of Adjustment~~ Land Use Authority. ~~Except for group dwellings, and Planned Residential Unit Developments, where specified, not more than one (1) dwelling structure shall occupy any one (1) lot.~~ 4-71, 14-73, 10-92, 2004-6

**LOT, FLAG:** ~~Any lot granted a special exception by the Board of Adjustment and meeting the requirements of Chapter 29. An "L" shaped lot comprised of a narrow access strip connected to a street (staff stem portion) which opens into the lot area (flag portion). contiguous with the flag portion thereof, the minimum width of the stem being 20 feet and a maximum of 30 feet.~~

#### 1-1. Short Title

This Ordinance shall be known as the "Uniform Land Use Ordinance of Weber County, Utah." The Township Planning Commission or other entity designated herein ~~is to~~ shall be the Land Use Authority, with due responsibility to administer the Land Use Ordinance. ~~Any Appeals from decisions of the Land Use Authority will be heard by the Board of Adjustment Appeal Authority as outlined designated in Chapter 29 of the Weber County Land Use Ordinance. Appeal of Conditional Use applications will be heard by the Board of County Commissioners.~~

#### 1-4. Conflict

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinance or laws, but shall prevail notwithstanding such provisions which are less restrictive. Where a conflict exists between various provisions of this ordinance, the ~~Planning Commission and/or~~ Board of Adjustment shall rule on which provision applies.

#### Chapter 36-B-2 Amendments (Hillside Development Review Procedures and Standards)

**LOT:** A parcel of land occupied or capable of being occupied by an permitted allowed use, building, or group of buildings (main and accessory), together with such yards, open spaces, parking spaces and other areas required by the Weber County Zoning Ordinance, and/or the Subdivision Ordinance ~~of Weber County~~, having frontage upon a street or having access upon a right-of-way, access easement, or flag lot access strip approved by the ~~Board of Adjustment~~ Land Use Authority. ~~Except for group dwellings, and Planned Residential Unit Developments, where specified, not more than one (1) dwelling structure shall occupy any one (1) lot.~~

#### Chapter 9-A-6 Amendments (Shoreline Zone S-1)

2. No building or structure shall be constructed within the boundaries of any public reservoir as determined by the public agency having jurisdiction or within the boundaries of any natural waterway or watercourse as

February 17, 2012

determined by the County Engineer wherein no buildings or structures shall be constructed or land subdivided. Where buildings are to be constructed within fifty (50) feet of the exterior boundaries of a flood channel existing at the effective date of this Ordinance, adequate measures must be taken as determined by the ~~Board of Adjustment~~ Weber County Engineer so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.

**Chapter 24-2A Amendments (Parking and Loading Space, Vehicle Traffic and Access Regulations)**

**24-2A. Access to lots in Subdivisions**

**96-26**

Access to lots in subdivisions shall be across the front lot line abutting a public or private street ~~approved by the county~~ or as otherwise approved by the ~~Board of Adjustment~~ Land Use Authority.

# Exhibit E

Minutes of the Western Weber County Planning Commission Regular Meeting and Work Session held July 12, 2011 in the Weber County Commission Chambers and Room 108, 2380 Washington Blvd., commencing at 5:00 p.m.

**Present:** Brenda Meibos, Vice Chair; Andrew Favero; Wayne Andreotti; John Parke; Ryan Judkins

**Absent/Excused:** Doug Hansen, Jannette Borklund

**Staff Present:** Robert Scott, Director; Sean Wilkinson, Planner; Scott Mendoza, Planner; Monette Hurtado, Legal Counsel; Kary Serrano, Secretary

---

## ***Pledge of Allegiance***

### ***Roll Call:***

1. **Minutes:** Approval of the June 14, 2011 meeting minutes.

**MOTION:** Vice Chair Meibos declared the June 14, 2011 meeting minutes approved with the noted correction.

2. **Petitions, Applications and Public Hearings:**

### **Old Business:**

- 2.1. **ZO-2010-10:** Consideration and Action on an amendment to the Weber County Zoning Ordinance Chapter 29 (Board of Adjustment), Chapter 23 (Supplementary and Qualifying Regulations), and Chapter 31 (Administration)

Sean Wilkinson said staff is proposing to update and clarify Chapter 29 of the zoning ordinance which deals with the Board of Adjustment. The amendments will bring Chapter 29 into conformance with state code. In addition, amendments are proposed for Chapter 23 and Chapter 31.

Sean Wilkinson reviewed the seven policy questions from the work session of March 8 that were implemented in the new language for the ordinance.

Sean Wilkinson said that Commissioner Parke made a good point in that there may not be minutes from an administrative decision like there are with the Planning Commission, and that would be something that they would need to address.

Monette Hurtado replied that there's no excuse for not having a written decision for an administrative action.

Sean Wilkinson said that he could write in to the language of the ordinance that the document that is signed by the Planning Director will act as the notice of decision for administrative decisions. Mr. Scott added that staff has already instituted a process. The staff report that comes to me actually is a written document and it's just a matter of making sure that the applicant gets a copy.

Sean Wilkinson said that he would clarify in Chapter 31 that this is the case.

Commissioner Parke asked if administrative appeals go to the Planning Director again. Mr. Wilkinson replied that the appeals would be to the Board of Adjustment. The ordinance does break out i.e., conditional use permits are appealed to the County Commission. For administrative decisions or other issues dealing with the zoning ordinance, those are appealed to the Board of Adjustment.

Commissioner Parke asked if a process should be put into Paragraph 31-7.

Vice Chair Meibos asked if staff decided to put "written" back in. Mr. Wilkinson replied yes. Mr. Scott added that in the chapter under conditional use permits, there is an appeal subsection that talks about the process.

Vice Chair Meibos asked if staff required proof that the individual did receive a notice through the mail. Mr. Wilkinson replied that we don't send it certified, but if they do have an email address, they send it along with a hard copy through the mail. But they don't have verification an applicant actually receives the notice.

Monette Hurtado said under state law, there isn't a requirement that they receive it. It's just that you actually have proof that you sent it to the correct address. Staff doesn't have control over the post office, so generally notices don't require certified mail.

John Parke said administrative decisions are not necessarily publicly available unless they get the notice of decision. Ms. Hurtado replied that they are actually available, they are a public record, or they could call. Mr. Wilkinson said they don't publish all of the administrative decisions on the internet, but the Miradi system is on the internet.

Rob Scott said they are introducing Miradi, so the applicants are going to be getting an email, stating that a decision is made on the date, and it will be better than having to look for it on the internet.

Sean Wilkinson said he appreciated the Planning Commission's comments and would make necessary changes.

**MOTION:** Commissioner Judkins moved to recommend to the County Commission to adopt ZO2010-10 to include the following modifications; that the decision that is signed by the Planning Director will act as the notice of decision for administrative decisions, to include the proposed update and clarify bringing to conformance with state code Chapter 29 of the zoning ordinance which deals with the Board of Adjustment. In addition to that, the changes to Chapter 23 and Chapter 31 that came about because of the amendments proposed for Chapter 29. Commissioner Andreotti seconded the motion.

**VOTE:** A vote was taken and Vice Chair Meibos said the motion carried with all members present voting aye. Motion Carried (5-0)

3. **Public Comments:** There were no public comments.
4. **Planning Commissioner's Remarks:** There were no Planning Commissioner's remarks.
5. **Staff Communications:**
  - 5.1. **Planning Director's Report:**

Rob Scott informed the Planning Commission about the next work session. Scott will lead a field trip on July 26, at 6:00 pm.
  - 5.2. **Legal Counsel's Remarks:** There were no legal remarks.

**Adjourn** the regular meeting and convene a work session at 5:30 p.m.

# Exhibit F

To: Weber County Planning Commission

July 3, 2011

Subject: Board of Adjustment Ordinance Amendments

Reference: My comments in the Planning Commission meeting 6/28

I offer the following to clarify my comments and suggest modifications to the proposed changes. The Weber County Board of Adjustment (BOA) is organized according to State law. I recently witnessed the Planning Commission hearing and decision of the Green Valley Academy application for a design review followed by the appeal hearing by the BOA. The applicants and/or appellants endured a process no citizen should endure.

ISSUE: The County Planning Division has all the power in these situations. They mentor, advise, and befriend members of both the Planning Commission and the BOA. They analyze the application, interpret the law, plead the case, decide what issues are permissible to hear, and ask for concurrence from the citizen Planning Commission and BOA. To suggest the Planning Commission or the BOA has real power is a stretch. To suggest, as the proposed ordinance modification does, that more power should be given to the Planning Staff to administer decisions administratively rather than bring the application to the Planning Commission further reduces the limited independent oversight and application of land use law in the County. The applicants and/or appellants are not well served by this process. They are attempting to appeal to the very persons who defined and pled the case in the first place.

POSSIBLE REMEDIES: The most obvious remedy would be to introduce an independent person or group who would handle the appeal case. Perhaps State law could be changed to have a State ombudsman oversee the appeal process with land use experts from another jurisdiction presenting the County case. In addition, the BOA should be supervised by the County Commission directly.

A second and more easily achieved remedy would be to use the existing process with a few modifications:

1. Require different Planning Division staff to present the appeal case to the BOA than the one who had worked with the application and Planning Commission.
2. Have the County Commissioners provide an experienced ombudsman (I think of Craig Call) to oversee the appeal, advising both parties.
3. Introduce a new appeal step to permit a hearing with the County Commission before going to District Court.

A minimal remedy would be to require all land use applications to be heard by the Planning Commission and reject the current suggestion of moving further in the direction of staff administrative approvals.

I ask you to carefully consider the implications of the proposed BOA ordinance modifications, rejecting those aspects which increase administrative approval opportunity.

Sincerely, Steve Clarke, 5824 E. 2200 N., Eden, Utah 84310 – 801.745.1348 – [sdclarke@oValley.net](mailto:sdclarke@oValley.net)





## Staff Report to the Western Weber Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and/or action for revised preliminary approval of Allen Horseplay Cluster Subdivision, 13 lots.  
**Agenda Date:** Tuesday, March 13, 2012  
**Applicant:** Vaughn Allen  
**File Number:** LVA 05-26-10

#### Property Information

**Approximate Address:** 2200 South 3500 West  
**Project Area:** 12.67 acres  
**Zoning:** Agricultural A-1  
**Existing Land Use:** Equestrian  
**Proposed Land Use:** Cluster subdivision  
**Parcel ID:** 15-078-0007, 15-078-0008  
**Township, Range, Section:** 6 North 2 West, Section 28

#### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Residential, Agricultural
<b>East:</b> Residential	<b>West:</b> Residential

#### Staff Information

**Report Presenter:** Justin Morris  
jmorris@co.weber.ut.us  
801-399-8763  
**Report Reviewer:** SW

### Applicable Ordinances

- Weber County Subdivision Ordinance
- Weber County Zoning Ordinance Chapter 5 (Agricultural Zone A-1)
- Weber County Zoning Ordinance Chapter 22B (Cluster Subdivision Special Provisions)

### Background

The applicant is requesting a revised preliminary approval of Allen Horseplay Cluster Subdivision. The applicant has previously received preliminary approval from the Western Weber Planning Commission on July 13, 2010. This approval included 25% bonus density and no deferral of curb, gutter, and sidewalk. See the attached minutes for the completed discussion.

As part of the revised preliminary approval, the applicant is removing one lot from the 14 that were previously proposed. The access strip to the open space from 3500 West has been removed and the access strip along 2200 South has been moved further west. A phasing plan has been submitted for the Planning Commission to consider. Phase 1 of the subdivision includes lots 1 through 7 and the entire open space. Phase 2 of the subdivision includes the remaining 6 lots, 8 through 13. Furthermore, there are several minor lot alterations.

### Summary of Planning Commission Considerations

- Does this subdivision meet the requirements of the Weber County Subdivision and Zoning Ordinances?
- Should a revised preliminary approval be granted.

### Conformance to the General Plan

This proposal conforms to the General Plan by providing dedicated open space. This subdivision also conforms to the General Plan by meeting the requirements of all applicable ordinances.

## Conditions of Approval

- Requirements of Weber County Building Inspections
- Requirements of Weber County Fire District
- Requirements of Taylor West Weber Water Improvement District
- Requirements of Hooper Irrigation Company
- Requirements of Central Weber Sewer Improvement District
- Requirements of Weber County Recorder/Surveyor
- Requirements of Weber County Engineers Office
- Requirements of Weber-Morgan Health Department

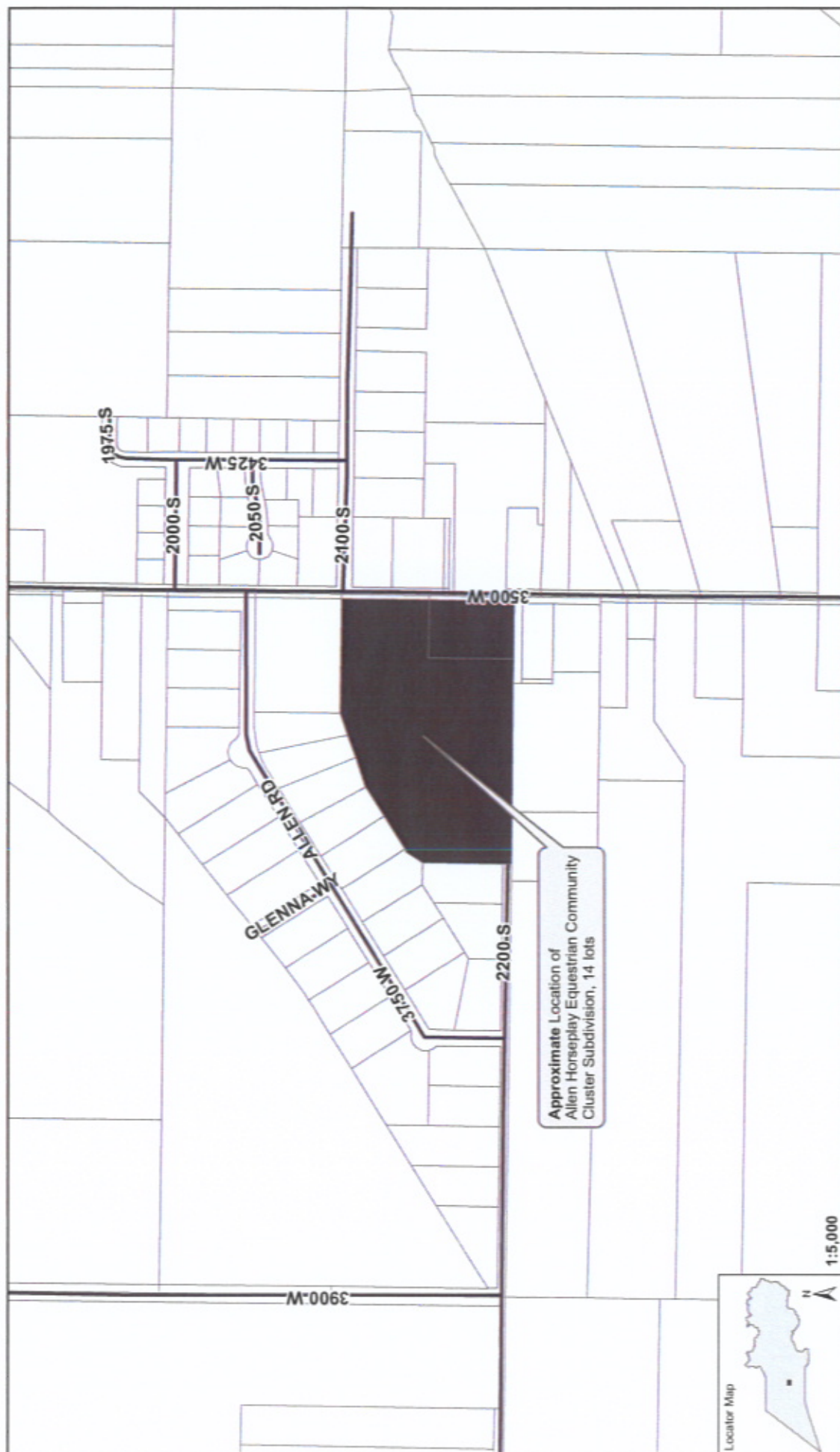
## Staff Recommendation

Staff recommends revised preliminary approval subject to staff and other agency recommendations and requirements.

## Exhibits

- A. Location map
- B. Previously approved subdivision plat
- C. Proposed amended subdivision plat
- D. Oblique aerial photo
- E. Western Weber Planning Commission minutes from July 13, 2010

A





2. POINT OF THE N. QUARTER OF SECTION 26, T.8N., R.2W., S.18&M., U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY OF 3500 SOUTH STREET AND THE NORTH RIGHT OF WAY OF 2200 SOUTH STREET, A POINT WHICH LIES N00°48'46"E 33.10 FEET AND N89°23'09"W 33.00 FEET FROM THE EAST QUARTER CORNER OF SECTION 26, THENCE N89°23'09"W 990.36 FEET TO THE SE CORNER OF ALLEN ESTATES PHASE 2, THENCE S00°30'51"W 431.14 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 551928.56 SQUARE FEET, 12.871 ACRES

AREA	PERCENT
12.87 ac.	
0.25 ac.	
12.42 ac.	
6.06 ac.	(47.8%)
13.53 lots	
6.76 lots	
13 lots	
15.0%	
15.0%	
14.8%	
44.8%	



LINE  
NE  
1 LINE  
LINE (NOT MARKED)  
LINE (NOT MARKED)  
NE  
27 MARKED

APPROX

MADE  
10TH ANNU

# Standard Street Section

SCALE: AS SHOWN

SCAFFOLD

ALLEN ESTATES PHASE 2

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306



**ALLEN HORSEPLAY STABLES**

**801.391.3880**

[WWW.ALLENHORSEPLAYUTAH.COM](http://WWW.ALLENHORSEPLAYUTAH.COM)

D

Commissioner Borklund asked that it appears like there is more of a need for east/west roads, so are they planning for those as well? Mr. Harris replied we just completed an east/west corridor study within the last year because many cities know if this road is ever built, they still need to be able to get people between there and I15 and it's an important consideration. It's not necessarily a part of this corridor but there has been a study done.

**DISCUSSION:** Commissioner Meibos indicated that she didn't feel comfortable recommending this route. Commissioner Borklund stated if we do nothing that keeps the corridor in the plan of 4700 W and as development occurs then they could determine whether it should be there. She believes that doing nothing would be a waste of the last two years of the study that these people have done. Commissioner Andreotti stated that they need to plan for an alignment. There has been a lot of work on this and a lot of good points brought up on the soils, etc. He felt that they need to come up with a recommendation so that they can get the plan for the future. He didn't know what other information they could get, since they are not the traffic study people, they are not the engineers, and they have sat through this meeting and nobody brought up the number of people that is going to be in Wasatch Front in the next 25 years. That in itself is a driver not only of this road, but the winding of 3700, 3500, 4700, and a whole bunch of east/west things. He felt that there has been a lot of work on that, that they need to make some sort of a recommendation, and if it gets voted down then it does, or if it gets a recommendation for approval to the County Commission then that what it needs to do. Chair Parke said the point in Hooper where it comes in to unincorporated Weber County and the point to where it leads to Plain City are defined and we don't have any control over that. We just have to determine the route between those two points. We need to preserve a route so there is some certainty in the future for people that are going to do something. We need to decide on a route and at least have some people have some certainty in the future, and we're not going to satisfy everybody, but we need to make a decision. It's like we've said in our other meetings, if we don't be proactive in planning or our county, then we will end up like West Valley City. Development is going to come, since it's not going to go anywhere else in the state, it's going to come along the Wasatch Front and we need to step up and do something that will preserve the kind of community that we want to the best that we're able. Commissioner Borklund said not having been involved in the public process she was uncomfortable with not being in the beginning process and we were not given the other 23 options. Mr. Scott replied we both participated in the earlier meetings and the supplemental study was given to every Planning Commissioner where we focused on the recommendation of Alignment 6 and 6A.

**MOTION:** Commissioner Andreotti made a motion to recommend approval to the County Commission to adopt the North Legacy Parkway Corridor General Plan Amendment with the attached map. Chair Parke seconded the motion. Motion carried with a vote of 3-1 with Commissioner Meibos voting nay.

4. **Old Business:** No old business was heard.
5. **New Business:**
- 5.2. **LVA-05-26-10:** Consideration and action for preliminary approval of the Allen Horseplay Equestrian Community Cluster Subdivision (14 Lots) and recommendation for a deferral of curb, gutter, and sidewalk, within the Agricultural A-1 Zone located at approximately 2200 S 3500 W. (Vaughn Allen, Applicant)

Justin Morris reviewed the staff report.

Commissioner Andreotti asked if the open area represents 41% of the total property. Mr. Morris indicated on the map the open area and said it is about 44.8% almost 45%.

Commissioner Borklund inquired if there is an access off 2200 S, is there two accesses off of 3500 W to the west and to the east of it? Mr. Morris replied that is an existing drive that will probably be part of one lot. The two access strips are from main roads.

Commissioner Borklund asked if the cluster ordinance allows lots to be reduced to less than an acre if it is made up somewhere else on the property, it can be private or public open space. Mr. Morris replied that's correct.

Chair Parke inquired if the additional open space was going to be pasture. Mr. Morris replied pasture or riding area.

Vaughn Allen, applicant, said he is in a situation where with this economy, he needs to open all of his options, and this is one of them but he hoped that he didn't have to do it. He is in a position to where the banks could acquire this property given how the economy has been. Once he has been given preliminary approval, he has 18 months to move forward, and decide which way he plans to go. There are two existing homes besides his home. It messes his plans considerably, because they are asking for a 100 foot right of way, with 50 foot into his place, and puts the sidewalk about 20 feet from his front window. It will be difficult to get into his driveway. He is not sure that this particular proposal would give him enough of an extra boost to be able to move forward.

Bret Wyont, 2098 Allen Road, Lot 29, Allen Estates Phase 2, stated approximately two years ago, he stood before this board and endorsed Mr. Allen for the expansion of his Allen Horseplay Arena. He cited that his planned expansion added value to the approximately 30 home sites located in Phase 1 and Phase 2 of Allen Estates and they are allowed to have four horses per one acre home site. Now they are hearing that according to the A-1 Zone that they can have up to ten horses per acre and have requested 56 horses for Allen Horseplay Arena. He cannot support this cluster subdivision since these lots and homes will not be of the same size and architectural character of the homes located in Phase 1 and Phase 2. In his opinion, this subdivision should be considered by the Planning Commission as Phase 3 of Allen Estates. In Phase 3 those lots could easily be divided into one acre lots, because the 100 x 200 size of those cluster lots, roughly .52 acre, they could be doubled to make two lots into one to be 200 x 202, roughly 1.04 acres. If these lots were actually doubled up, the two 100 x 200 lots could equal one acre. Therefore, those one-acre lots and the integrity of Phase 1 and Phase 2 could be maintained. They do not want quarter acre lots in a cluster subdivision out there. This area is zoned as Agricultural A-1, 40,000 square ft. lots and he does not see how a cluster subdivision can be approved by the county without affecting the value of the surrounding homes currently established in Phase 1 and Phase 2 of Allen Estates. Each lot and home built and sold in Allen Estates was done so in one acre lots to both phases to have minimum home requirements in size, with covenants and restrictions placed on Allen Estates. According to the proposed plat map, the overall width to each of these lots is approximately 100 linear feet, with an average depth of approximately 200 linear feet. Phase 1 and Phase 2 lots are significantly wider and deeper and each lot encompasses plus or minus one acre. Therefore minimum home requirements were set forth as covenants and restrictions and there is no way that comparable homes can be built on these proposed smaller lots, detracting from the value of homes currently built in both phases. If the county does not establish, maintain covenants and restrictions for the CCR's of the county, then who will be responsible for establishing and forcing these covenants and restrictions for what should be considered Phase 3. A deferment should not be given but should be part of any planned subdivision, especially when both phases of this original same property has curb, gutter, and sidewalks. What is the county's plan for widening the roads for the east west route for 2200 South and for 3500 West, as it will be coming, and it will affect all 14 of these currently proposed lots? This subdivision should not be allowed as a cluster subdivision but should be allowed as a standard subdivision, with one acre lots, with curb, gutter, and sidewalks. The proposed subdivision should be considered Phase 3 of Allen Estates and therefore abide by the same covenants and restrictions, minimum homes sizes, architectural restrictions placed upon Phase 1 and Phase 2.

Glenn Relethford, 3692 W 2200 S, concurred with everything Mr. Wyont stated. We are all neighbors in Allen Estates 1 and 2, we all moved there so they could be on horse property one acre lots. He is also against the deferral of curb, gutter, and sidewalk because that is basically a pie wedge that the curbs and gutters are currently in, if it's developed to match as a minimum.

David Keller, 2108 S Allen Road, stated his home was one of the last houses built in the subdivision. The main reason they built in that subdivision was because they were one-acre lots and they wanted the covenants to cover their home value. Weber County informed him prior to purchasing that lot, that he could have four horses on his one-acre lot. He would be okay if Mr. Allen wants to sell the property to establish the rest of the subdivision, but he must have curb, gutter, and sidewalk, because he was required to put it on their home.

Dennis Nicholls, 2135 S 3750 W, stated that he agrees with everything that has been said and the only thing extra that he could add is his concern on this cluster subdivision, where it has the riding arena, stables, etc. Who is going to maintain that, is there going to be a homeowner's association there, are they going to have covenants, or is it going to be left with no one to look after it.

Richard Daylong, 2138 S Allen Road, Phase 1, stated that he is agreement with what has been stated regarding keeping one acre lots, no cluster subdivisions, and the continuity would look better with curb, gutter, and sidewalk going down 2200 S.

Richard Culver, 2119 S 3750 W, Allen Estates, stated that he agrees with what the neighbors have said. A couple of other points on 2200 South there is a Fire Station on the other side of the street. If you jam a whole bunch of houses on quarter acre lots, there will be the potential for disaster. It's going to look bad to have curbs and gutter all the way around on the back, and then that front piece not having anything.

Vaughn Allen thanked the other speakers for their comments and indicated that they have one of the finest subdivisions in the whole county. What needs to be understood is if he loses this property, the banks look at this property as a negative, which is why these aesthetics are not done, someone will put a cul-de-sac in this area, and get 13 lots without any cluster. They could clear all of this property, go with the local rules that are available to cluster subdivisions, obtain the full 50% density bonus, i.e., Wally's Acres, and could legally be in that subdivision with a total of 18 homes. He is trying to do is prevent that, as he is not a developer, he doesn't have the money to be a developer, and he has no intention of not doing the roads. He understands his neighbor's concerns, and this will not happen if he does not get pushed into a financial bind that he could not handle. He currently has huge amount of borrowed deficits that he can't cover on a monthly basis, but if the economy changes we'll all be fine, otherwise it ends up in somebody else's hands.

Chair Parke inquired on the open area and how would the ownership that be handled on that. Mr. Allen responded it would be the Homeowner's Association. Each homeowner would have a right to a certain amount of horses in there, and his intention is to have three per lot, and that would be about 39 horses. The Homeowners Association will own the property, with a unique situation; if they buy a piece of property they basically get a million dollar facility in their back yard for free.

Chair Parke asked what covenants Mr. Allen envisions for this new subdivision or phase. Mr. Allen replied that the covenants would have to be developed by the homeowners until the roads get put in, or when more than seven lots are sold, he would be the manager of the Homeowner's Association. When he no longer has 50% control, then the Homeowner's Association would take control. His idea is that each home could have about three horses; however, he is built for around fifty.

Chair Parke asked how important deferral of curb and gutter is to Mr. Allen's plans. Mr. Allen replied that in order for him to do this, he would have to sell a couple of properties. If he could sell a couple of block houses, he might have enough. If he sold some lots on 3500, then he would not proceed until he had the money to do both lots. If he doesn't, then he would have to sell some property, possibly his own home, to obtain the money to proceed to put those improvements in. If he can't do it and if he loses his home, then they lose the aesthetics of this road until the county is forced to pay for the property which has a separate deed.

Commissioner Borklund inquired if the county was asking for more rights of way than what is already there and is that the reason for his front yard being diminished. Mr. Allen replied that right now there's a 60 foot right of way at his house but the requirement is 100 feet. If the road goes in, he has to go back to where the new roadway would go and it would cut the front property about 10 feet to his house, which is about 25 feet of driveway, and about 20 feet of yard. Because the sizes of these lots, he is losing the value of his property.

Bret Wyont applauds what Mr. Allen is trying to do to save his home and his property, they merely ask for one acre lots and not a cluster subdivision. His only concern after hearing Mr. Allen's idea on this million dollar horse arena, is that the Homeowner's Association fees or dues associated with maintaining a million dollar facility, would be too high for them to maintain it. How can the common grounds be maintained with the Homeowner's Association fee to support a million dollar facility.

Justin Morris addressed the questions by the citizens. Horses are allowed one per quarter acre for residential use on the A1- Zone set aside for a specific use, one of them being a private equestrian center on five acres, and a public equestrian center on ten acres. A private equestrian center is allowed by permitted use in the A-1 Zone ten horses per acre. Sizes and styles of homes are not regulated by the county and we do not get involved with CC&R's. This is a separate subdivision and is not a phase of Allen Estates. This subdivision does meet the requirements in a cluster subdivision as a permitted use in the A-1 Zone; it's just a different avenue in which the county has developed through the general plan process in creating an ordinance. The cluster subdivision ordinance has been in effect in the county since the 60's and has changed over time. This is a tool that the county uses to preserve open space, the Homeowner's Association is required to maintain the open space and the structures located in there.

Commissioner Borklund inquired if at any time the Homeowner's Association ever decides they couldn't afford to keep up the horse arena as it exists now, could they get together and make it a park or something else, as it will be their ownership and their decision. Mr. Morris replied yes and they could come back to the Planning Commission and work out some option as there are some restrictions that will be recorded on this open space indicating what can and cannot be done and they would have to follow those guidelines.

Commissioner Borklund asked if they could do a combination of one acre lots and maybe one or two smaller lots. Mr. Morris replied that may be possible but the numbers would not work once they start increasing the lot sizes, it no longer has the acreage for open space. What it would end up doing is increasing two lots to one acre but then it would have to drastically decrease many of them to 2000 square feet to maintain that minimum of 30%.

Commissioner Meibos inquired if there was enough water pressure that Taylor Water could provide for these additional homes. Mr. Morris replied Taylor West Weber Water is required to go through a state permit process and they review state plans to ensure that they have enough water but that would be looked at more closely when they go for final approval.

Commissioner Borklund stated that the applicant does need curb, gutter, and sidewalk. Legal Counsel indicated that the Planning Commission doesn't have the ability to require this to be a standard subdivision. The applicant can apply for what they want as long as it meets the minimum requirements of the cluster subdivision.

Mr. Morris clarified in the bonus density in a cluster subdivision ordinance, it is the Planning Commission's discretion on how well they meet the intent; they can grant 0-15% or 0-10% for the open space preserved in the subdivision access with a minimum requirement. Instead, he is requesting 25% bonus, although he only really needs about 8-10% for what he's platted. The developers often request more bonuses than they need but what you're approving is what he submitted. Even if you wanted to give 25% bonus, he would have to come back to you for an alteration and number of lots presented. Chair Parke said that is not part of our consideration and if you look at what we have put forth as cluster subdivisions, this is the closest thing that

they have seen to what they have been looking for. The requirements that there be a buffer zone between existing homes, the smaller homes is there with the open space, except maybe for Lot 1 and Lot 14.

**MOTION:** Commissioner Andreotti moved for preliminary approval of the Allen Horseplay Equestrian Community Cluster Subdivision (14 Lots) subject to staff and other agencies recommendations, with a requirement of the curb, gutter, and sidewalk, to include the bonus density of 25%. Commissioner Meibos seconded the motion. Motion carried with a unanimous vote (4-0).

6. **Public Comments:** No Public Comments.

7. **Planning Commissioner's Remarks:** No comments from the Planning Commission.

8. **Staff Communications:**

8.1. **Planning Director's Report:**

Rob Scott stated that he was going to send the Planning Commission some announcements relative to some meetings. The latest is the Davis EIS, it's the first week in August, there are two or three options.

8.2. **Legal Counsel's Remarks:** Chris Allred moved item 9.4 Information.

9.4. Information      Legal Counsel – Testifying before County Commission, Field Trips, and Submittal of Testimony to the Planning Commission

Chris Allred referred to testifying before the County Commission. Occasionally the question comes up as to whether it's appropriate for individual Planning Commissioners to go before the County Commissioners to testify and take a position items that come before the Planning Commission, and occasionally there have been Planning Commissioners who have taken a side. He urged them not to do that as it demonstrates that they are not objective when they take a side on a matter that has come before them. Their role and obligation is to be objective and that demonstrates they are not objective and it may even subject them to a challenge at some point if a developer comes back. If they have questions about an issue that may come up as to what is appropriate to say in a County Commission meeting the board members could ask the question in advance, but as a general rule they need to remain objective in their capacity as Planning Commissioners. There are times when you have things as a Planning Commission that you really want the County Commission to know about and it may not be clear in the minutes about an important point that you want to make. You can always do that as a Planning Commission and have staff present at the County Commission meeting. The County Commission typically in large, follows your recommendations more often than not and they look at what happened at the Planning Commission meeting to get a picture of what your decisions are. Mr. Scott added in your rules of procedure, it talks about that at the end of items after a vote has taken place, the Planning Commission can state for the record, why they voted the way they did, and sometimes that's real helpful to the County Commission to understand that. If you feel strongly about something, you should take advantage of that, by stating "I voted this way for the following reasons." That way the County Commission can know why you felt the way you did. When you make a motion, make sure to state the reason why you are making your motion so that if there is an appeal the County Commission would know why a decision was made.

Chris Allred stated the next item refers to field trips and the question had come up, "what about open public meetings requirements when we go on these field trips?" You can rest in that we're following those requirements as we're supposed to. What happens is they need to be noticed like other public meetings, staff takes care of that, because it is still a public meeting, and it's open to the public. One of his concerns, he reference back to the code, was the requirement that came into effect that all public meetings need to be recorded, even some of these advisory bodies, they all have to be recorded. There's a specific exception on the code for field trips, they don't have to be recorded, unless you are making final decisions, which ordinarily we are not on field trips. Minutes are still prepared in some fashion, and that's probably going to be difficult to keep track of, but his suggestion is to consider ways to keep the field trip as organized as much as possible, so that some coherent set of minutes on the field trip can be drawn up. They are being noticed properly and are made available for the public.



## Weber County

Weber County Planning Division  
www.co.weber.ut.us/planning\_commission  
2380 Washington Blvd., Suite 240  
Ogden, Utah 84401-1473  
Voice: (801) 399-8791  
Fax: (801) 399-8862

February 28, 2012

To: Western Weber Township Planning Commission

From: Weber County Planning Division

Re: Work-session, scheduled for **Tuesday, March 13, 2012** to discuss the proposed agri-tourism ordinance.

Dear Commissioner,

Enclosed you will find a draft copy of the agri-tourism ordinance and a second copy that includes Staff comments, explaining updates/issues, in the right margin. The last time that we discussed this ordinance we were successful in working through Sections 46-1 (Definitions), 46-2 (Purpose and Intent), 46-3 (Applicability), and 46-4 (General Development Standards). Preparation for next Tuesday's meeting should begin with Section 46-5 (Agricultural Operation Designation).

The work-session discussion, scheduled for March 13, 2012 will give us an opportunity to continue working through the remaining four sections.

Overall, we will try to complete the following:

1. Discussion on farm designations.
2. Discussion on the permitted uses/activity table.
3. Discussion on additional standards and limitations.
4. Discussion on signs related to agri-tourism.

We look forward to meeting with you to discuss agri-tourism and its possible future role as an agricultural/open space preservation tool in Weber County.

Sincerely,

  
Scott Mendoza  
Weber County Planning Division

Enc.

## CHAPTER 46

**AGRI-TOURISM**

Consumer-Direct Sales, Education, Recreation, and Entertainment

- 46-1 Definitions *(To be moved to Chapter 1)*
- 46-2 Purpose and Intent
- 46-3 Applicability
- 46-4 General Development Standards
- 46-5 Agricultural Operation Designation
- 46-6 Permitted Uses/Activities Table
- 46-7 Use/Activity Standards and Limitations
- 46-8 Signs

**46-1. Definitions *(To be moved to Chapter 1 – General Provisions)***

Note: The tilde symbol (~) indicates an existing definition.

**Accessory Dwelling Unit (ADU):** An accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The ADU is located in designated areas when constructed on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, an ADU may not, by any means, be sold/conveyed separately from the main house. The right to construct an ADU does not constitute a Transferable Development Right. See also Carriage House.

**Acreage, Productive Agri-tourism:** Agriculturally productive land area used for the combined purpose of cultivating agricultural products and hosting active "tourism" attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching, hunting, horseback/sleigh/wagon rides etc.).

**Acreage, Agri-tourism Activity Center:** The land area within an approved agri-tourism operation that contains the grouping or assemblage of agri-tourism uses/activities. Activity Center area consists of that impacted ground lying immediately adjacent to, in between, and within a reasonable distance around each use/activity. Distances greater than three hundred (300) feet in between uses/activities and their impacted grounds, represent a separation of activity centers.

**~Agriculture:** Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

**Agri-Tourism:** An agricultural accessory use that can provide a means of diversifying a farm's income through broadening its offerings and adding value to its products that are produced on it a farm. Agri-tourism businesses are permitted conditionally in designated zones, excepting those areas within residential subdivisions that are dedicated for the purpose of open space or common area. They operate during more than six (6) (consecutive or inconsecutive) days per year and provide agriculturally related, and in some instances, non-agriculturally related products and activities that attract members of the public to the farm for retail, educational, recreational, and/or general tourism purposes. Educational and recreational agri-tourism activities/uses may include but not be limited

to, educational activities, nightly accommodations, entertainment opportunities, and/or outdoor recreation (e.g., farm tours, farm/cooking/ecological classes, farm-stays, corn mazes, and special occasions including weddings and family reunions, special events including harvest festivals and musical events, U-pick operations, agriculturally related competitions, and other similar events). Consumer-direct sales of farm products may include but not be limited to, open-air or farmers markets, on-farm produce stands, and Value Added Product Processing and Packaging and retail sales facilities (e.g., process pumpkins grown on-premise, into pumpkin pies).

**Carriage House:** An accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The Carriage House may be constructed in designated areas when located on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, a Carriage House may not, by any means, be sold separately from the main house. The right to construct a Carriage House does not constitute a Transferable Development Right. See also Accessory Dwelling Unit.

**~Conference/Education Center:** A facility ~~which has been planned, developed and constructed~~ designed for the purpose of conducting meetings for consultation, exchange of information and/or discussion which results in enhanced personal, business and/or professional development. ~~of a company's, corporations, or governmental agency's employees, for example, by scheduling~~ A conference/education center may provide office facilities and schedule a range of uses business related and/or leisure activities such as (e.g., training workshops, seminars, retreats and similar type meetings). Such a facility may serve meals and be used for offer day use only and/or may be planned with overnight lodging facilities not exceeding twenty (20) guest rooms.

**Wellness-Retreat Health Farm:** A facility, including overnight lodging facilities not exceeding ten (10)-~~twelve (12)~~ guest rooms, designed for the purpose of providing proactive health and wellness education and/or ~~treatment~~ physical exercise and diet regimens that can, in a rural and spa-like environment, improve one's quality of life. ~~through enhancing physical, mental, and potentially spiritual health in a rural or natural and spa-like environment.~~ Health and wellness Education and treatment opportunities may consist of, but are not limited to, general and specialized exercise, wellness, and nutritional classes/consultations; organic cooking classes/workshops; yoga; meditation; ~~cranial-sacral, reiki, and massage. and diet therapy.~~ A Health Farm may serve meals when consisting of an ingredients produced on the premises and only when served to participating clientele.

**Product, Agricultural:** Any raw product which is derived from agriculture, including fruits, vegetables, crops, floriculture, herbs, forestry, animal husbandry, livestock, aquaculture products, water plants, horticultural specialties, and other similar products that can be broadly classified as a food, fiber, fuel, or a raw material group. Specific foods may include cereals, fruits, vegetables, and meat. Fibers may include cotton, wool, hemp, silk and flax. Raw materials may include lumber and other plant products.

**Product, Agriculturally Related:** Any item that is sold at a specific farm, approved for agri-tourism, which attracts customers and promotes the sale of agricultural products. Such items may include, but are not limited to, all agricultural products, baked goods, cheese, ice cream and ice cream based desserts and beverages, jams, honey, and other food stuffs or products that feature ingredients produced on a specific farm, approved for agri-tourism, or other farm located within Weber County. Additional agriculturally related products may consist of, but are not limited to, gift items, clothing and other items that directly promote the specific farm and/or the agriculture industry in Weber County.

**Product, Non-Agriculturally Related:** Any item that is sold at a specific farm, approved for agri-tourism, which is not connected to farming nor derived from that farm's operation or other farm located in Weber County. Non-agriculturally related products may include, but are not limited to, novelty t-shirts or other clothing, crafts, knick-knacks and/or products imported from other counties, states or countries.

**Use/Activity, Agriculturally Related:** A use or activity that is part of a specific agri-tourism operation's total offerings and is primarily tied to that farm operation's agricultural products, buildings and/or equipment. Such Agriculturally Related Uses/Activities may include, but are not limited to, petting farm/zoos, corn mazes, pumpkin

patches, barn dances, sleigh/hay rides, and educational activities, such as farm tours, food preparation or ecological classes.

**Use/Activity, Non-Agriculturally Related:** A use or activity that is part of a specific agri-tourism operation's total offerings but is not tied to farming or that farm operation's agricultural products, buildings and/or equipment. Such non-agriculturally related uses/activities may include, but are not limited to, amusement rides/play area, bakery featuring farm products, café featuring farm products, gift shops, restaurants featuring farm products, concerts, non-agriculturally related festivals and sporting events, valued added product processing and packaging, residences and all other overnight accommodations.

**Miniature-Market:** An agri-tourism use/activity that provides the opportunity for customers to purchase a wide variety of farm products at one farm location. A miniature-market does not consist of multiple farm vendors; however, it offers for sale, agricultural products and goods derived from the farm on which the miniature market is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.

**U-Pick Operation:** An agri-tourism use/activity that provides the opportunity for customers to pick or harvest fruits and vegetables directly from the plant grown on a farm location.

**Play Area, Agri-tourism:** An land area within an agri-tourism operation's activity center that is dedicated to open and informal play. The play area may include but not be limited to, conventional playground equipment (e.g., slides, swings, climbing wall, etc.) and unconventional playground equipment (e.g., inflatable play area, sand/corn kernel box, tractor tires, straw bale mountain etc.).

#### **Seasonal Product Stand:**

**On-Farm Store/Retail Market, Agri-tourism:** An agri-tourism use/activity that provides the opportunity for a farmer to sell retail quantities of agriculturally related products and, in some cases, non-agriculturally related products directly to the consumer or agri-tourist.

**Farm Stay:** A general agri-tourism use/activity category that is comprised of a variety of overnight accommodations made available at a working farm that is approved for an agri-tourism operation. A Farm Stay, for any group or individual, does not exceed fourteen (14) inconsecutive or non-consecutive calendar days per month; however, may serve be as an interactive recreational activity that offers agri-tourists, including children, opportunities to participate in feeding animals, collecting eggs, and/or learning how a farm functions through practical day to day experience. A farm stay may also consist of peaceful retreats or be described as a work exchange, where the guests, for recreational purposes, work in exchange for free or discounted accommodations.

**Farm Tour:** An agri-tourism use/activity that offers opportunities for the "non-farm" public to learn how a farm functions and where/how food, fiber, fuel, and other agricultural products are produced and/or packaged. Farm tours frequently highlight the history of the subject farm and in general, foster a broader understanding of the importance of agriculture and educate the public as to current agricultural practices and technology.

**Fee Fishing:** An agri-tourism use/activity, approved by the appropriate local, state and/or federal agency, that provides the opportunity for anglers to pay a fee for the right to fish on a farm. Fee fishing is a Non-Agriculturally Related Use unless provided as an accessory to a bona fide aquaculture operation.

**Glamping:** An agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis, fully furnished tents and sites that are characterized by furnishings, amenities, and comforts offered by a luxury hotel room. Furnishings, amenities, and comforts may include but not be limited to, luxurious décor, beds, linens, baths, veranda, spa services, concierge, dining and chef.

**Hunting Preserve:** An agri-tourism use/activity, approved by the appropriate local, state and/or federal agency, that provides the opportunity for an individual or group to pay a fee for the right to hunt on a farm. A hunting preserve is a "non-agriculturally related" use unless provided as an accessory to a bona fide agricultural operation.

**Special Occasion, Agri-tourism:** An agri-tourism use/activity that provides the opportunity for agri-tourists to rent an area that can act as a venue for events including, but not limited to, birthdays, weddings, family reunions, small scale fundraisers, and/or corporate picnics/outings that do not constitute a Special Event as defined by Title 20 – Weber County Special Events Ordinance.

**Value Added Product Processing and Packaging:** The process by which consumer appeal and/or the economic value of a raw agricultural commodity is increased. This process includes changing the physical state or form of a raw agricultural commodity (e.g., pumpkin) into a final retail product (e.g., pumpkin pie). Value added product processing and packaging is a non-agriculturally related use.

---

#### 46-2 Purpose and Intent

The purpose of this Chapter is to provide support and economically feasible land use alternatives to local and enterprising farm owners who are devoted to their land and are committed to providing authentic, agriculturally related products and experiences to the public. Agriculture is a very important contributor to Utah's economy and observably, an integral and indispensable part of Weber County's rich cultural heritage; therefore, it is the County's desire to create an environment in which agriculture is not only encouraged but can thrive. It is intended to benefit farm owners and the residents of Weber County through its ability to generate supplementary farm income while promoting the preservation of agricultural open space and significantly enhancing leisure, recreational, educational, and gastronomic opportunities for those in pursuit of such experiences in a rural farmland setting.

---

#### 46-3 Applicability

The standards found in this Chapter shall apply to all agri-tourism applications/operations. Also, all agri-tourism operations are subject to Chapter 22C (Conditional Uses) of the Weber County Zoning Ordinance which regulates the Conditional Use Permit application and review process. This process may include, but is not limited to, a review by the Weber County Planning Division, Building Inspection Department, Engineering Department, and Sheriff's Office. Other review agencies may include the Weber-Morgan Health Department, Weber Fire District, Utah State University Cooperative Extension, and/or other various state and federal agencies. Agri-tourism events that operate outside of "normal day-to-day" hours and/or involve spectators in a number greater than that which can be served by existing facilities shall be subject to Title 20 of the Weber County Ordinance - Code (Special Events Ordinance). Other ordinances, codes and/or regulations may apply; therefore, it shall be the responsibility of the applicant to know and understand all applicable standards and agency requirements.

---

#### 46-4 General Development Standards

The development standards imposed by this Section do not alter, supersede or nullify any codes, ordinances, statutes, or other applicable standards which may also regulate these same uses/activities.

1. **Primary Use:** Agriculture is the preferred use in agricultural zones; therefore, all agri-tourism uses/activities shall be complimentary and clearly accessory to the primary agricultural use. To guarantee legitimacy and viability, an agri-tourism operation shall demonstrate that the subject property has been qualified under the Farmland Assessment Act or that the subject property is currently, or will be within

the next growing season, producing an agricultural product in an amount that meets or exceeds the production requirement as established by the Farmland Assessment Act. A farmer, whose primary agricultural use is that of an apiary, shall be required to maintain two (2) hives per acre with a ten (10) hive minimum.

2. **Narrative:** In addition to the requirements listed in Chapter 22C (*Conditional Uses*) of the Weber County Zoning Ordinance, all agri-tourism applications shall be accompanied by a concise narrative describing the farm and the overall vision for the proposed agri-tourism operation. The narrative shall include farm history, a description and general maintenance plan for its agricultural product(s), and proposals for the following:
  - a. Offerings for agriculturally related and non-agriculturally related products and uses/activities.
  - b. Agriculturally related and non-agriculturally related types of facilities and equipment.
  - c. Time(s) of "normal day-to-day" operation as referenced in Title 20 (*Weber County Special Events Ordinance*); 20-1-2(C).
  - d. Anticipated number of daily patrons and employees.
  - e. Parking needs.
3. **Access:** Notwithstanding Section 23-30 (Access to a Lot/Parcel Using a Private Right-of-Way/Easement), of the Weber County Zoning Ordinance, an agri-tourism operation is not required to have frontage or access directly off of a public or privately dedicated roadway.
4. **General Site and Building Design/Layout:** An agri-tourism operation shall have a general design and layout that concentrates all "tourism" uses and activities into a distinct activity center(s). The area within a developed activity center or combined area of multiple activity centers, excluding Productive Agri-tourism Acreage, trail corridors, and/or a half (1/2) acre for a ~~farm house~~ farmer's residence and any uses confined thereto (e.g., home office, B&B, etc.), may consist of a total area that does not exceed twenty (20%) percent of a farm's overall Gross Acreage. The remaining acreage, shown outside of all activity centers, shall be maintained in a manner that is consistent with the farm's main agriculturally productive use(s) and historic condition, where that condition or circumstance (e.g., wetlands, drainages, or steep slopes) physically interferes with farm production.

Newly constructed buildings and facilities intended for agri-tourism purposes and/or to serve agri-tourism needs, shall reflect an architectural vernacular that is consistent with the area's rural character. Temporary sanitary facilities are discouraged; however, if found necessary, they shall be discretely incorporated into the agri-tourism operation and completely screened from street and adjacent property view.
5. **Ownership:** An agri-tourism operation may consist of multiple properties; however, all properties shall have identical and common ownership.
6. **Production:** An agri-tourism operation shall, with exception of the winter season, actively and continuously produce an agricultural product for sale and purchase. ~~It shall also be demonstrated that the featured product(s) can be~~ has been successfully grown and/or raised for a period of not less than one (1) year prior to making application for an agri-tourism operation. In the event that the agri-tourism operation's main, agricultural productivity ceases or becomes improperly maintained, as determined by the Planning Commission, the right to operate an agri-tourism business under a Conditional Use Permit may be revoked.
7. **Uses/Activities and Products:** All uses/activities and products (excluding meal, food item, and/or concession menus), made available at an agri-tourism operation, shall be subject to the following:

- a. One-half (1/2) of all uses/activities and products, made available at an agri-tourism operation, shall be agriculturally related as defined in Chapter 1 – *General Provisions*, of the Weber County Zoning Ordinance.
  - b. One-half (1/2) of all agriculturally related products shall be raised/cultivated and/or produced by the farm on which the agri-tourism business is operated.
  - c. To ensure an appropriate balance and mixture of agriculturally related and non-agriculturally related uses/activities and products, the following methods, by which measurements are made, shall apply:
    - i. Uses/Activities shall be measured on a one-to-one basis.
    - ii. Agriculturally related and non-agriculturally related products shall be measured in units of volume (width×height×depth), rounded to the nearest cubic foot, based on simple measurements of a products public display area.
  - d. The sale of non-agriculturally related products shall not exceed twenty-five (25) percent of the total gross revenue generated by the agri-tourism component of a farm operation.
  - e. The sale of motorized vehicles and equipment is prohibited.
8. **Meals, Food Items, and Concessions:** Meal, food item, and/or concession menus, offered at an agri-tourism operation, shall consist of not less than one (1) featured agricultural product or ingredient that has been produced or otherwise derived from the farm on which the agri-tourism operation is located or another commonly owned and/or independent or unaffiliated Weber County farm.
9. **Hours of Operation:** Agri-tourism uses/activities, not including: residential overnight accommodations and/or those conducted within a completely enclosed building, shall be limited to operating during the daily hours of 8:00am and 10:00pm. The Planning Commission may consider a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted.
10. **Development Agreement:** An agri-tourism operation shall, prior to the construction of any structure intended to accommodate agri-tourism uses, record a Farm Stay and Commercial Development Agreement, provided by Weber County, on all parcels utilized as part of an approved agri-tourism operation. A single-family dwelling or farm house and/or a structure that qualifies for an agricultural exemption is accepted from this standard when developed in accordance with the requirements found in the Weber County Zoning and/or Subdivision Ordinance.

#### 46-5 Agricultural Operation Designation

The following establishes a categorical designation for agricultural operations based on acreage:

- 1. **Market Garden:** includes an agriculturally productive property consisting of three (3) acres or more; however, less than five (5) acres.
- 2. **Family Farm:** includes an agriculturally productive property consisting of five (5) acres or more; however, less than ten (10) acres.
- 3. **Small Farm:** includes an agriculturally productive property consisting of ten (10) acres or more; however, less than twenty (20) acres.
- 4. **Medium Farm:** includes an agriculturally productive property consisting of twenty (20) acres or more; however, less than forty (40) acres.
- 5. **Large Farm:** includes an agriculturally productive property consisting of forty (40) acres or more; however, less than eighty (80) acres.
- 6. **Ranch:** includes an agriculturally productive property consisting of eighty (80) acres or more.

**46-6 Permitted Uses/Activities Table**

The following uses/activities have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. As stated above, these uses/activities may be subject to other requirements beyond those imposed by this Chapter; therefore, it shall not be construed in any manner that this Chapter alters, supersedes or nullifies any requirements contained in other codes, ordinances, statutes, or applicable standards. Those uses/activities marked with an asterisk (\*) have additional design and/or limitation standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable standards. See Section 46-7 for specific design and/or limitation standards associated with each use/activity marked with an asterisk (\*).

Uses/Activities	Farm Designations					
	Market Garden (3-<5 acres)	Family Farm (5-<10 acres)	Small Farm (10-<20 acres)	Medium Farm (20-<40 acres)	Large Farm (40-<80 acres)	Ranch (≥80 acres)
<b>Farm Stay (Residential and Overnight Accommodation) Uses/Activities</b>						
B&B Dwelling (2 Room)*			•	•	•	•
B&B Hotel (20 Room)*					•	•
B&B Inn (7 Room)*			•	•	•	•
Campground* Glamping*					•	•
Carriage House*					•	•
Conference/Education Center*					•	•
Single-Family Dwelling; aka Farm House*	•	•	•	•	•	•
Wellness-Retreat Health Farm*				•	•	•
<b>Agriculturally Related Uses/Activities</b>						
Barn Dance		•	•	•	•	•
Community Garden/Rent-A-Row			•	•	•	•
Community Supported Agriculture	•	•	•	•	•	•
Corn Maze				•	•	•
Educational Classes	•	•	•	•	•	•
Farm Museum		•	•	•	•	•
Farm Product Processing and Packaging* See Value Added...		•	•	•	•	•
Farm Tour	•	•	•	•	•	•
Fee Fishing (If Aquaculture)		•	•	•	•	•
Miniature-Market*	•	•	•	•	•	•
Multi-Farmer Open Air (Farmer's) Market, Agri-tourism*				•	•	•
Nursery (Plant Cultivation)	•	•	•	•	•	•
Petting Farm/Zoo		•	•	•	•	•
Seasonal Product Stand* Define			•	•	•	•
Sleigh/Hay Ride			•	•	•	•
Special Event; As Defined by Title 20-Weber County Special events Ordinance	•	•	•	•	•	•
Special Occasion, Agri-tourism				•	•	•
U-Pick Operation/Pumpkin Patch	•	•	•	•	•	•

<b>Non-Agriculturally Related Uses/Activities</b>						
Bakery/Café Featuring Farm Products*				•	•	•
Conference/Education Center*					•	•
Fee Fishing		•	•	•	•	•
Food Concessions Stand*			•	•	•	•
Gift Shop (Retail)*	•	•	•	•	•	•
Haunted House/Hay Stack/Farm			•	•	•	•
Hunting Preserve*						•
On-Farm Store/Retail Market, Agri-tourism*					•	•
Play Area, Agri-tourism		•	•	•	•	•
Restaurant Featuring Farm Products*				•	•	•
Special Event; As Defined by Title 20 - Weber County Special Events Ordinance	•	•	•	•	•	•
Wellness Retreat Health Farm*					•	•
Value Added Product Processing*	•	•	•	•	•	•

#### 46-7 Use/Activity Standards and Limitations

To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses listed below shall be subject to additional standards beyond any provided within other, expressed and/or unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional standards and/or limitations, may be waived by the Planning Commission upon finding that either: a proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that a proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions that justify the use's/activity's approval.

##### 1. Farm Stay (Residential and Overnight Accommodation) Uses/Activities

- a. B&B Dwelling (2 Guest Room)
  - i. An agri-tourism operation shall be limited to one (1) B&B facility (i.e., One (1) B&B Dwelling, Inn, or Hotel) or Health Farm.
  - ii. Meals shall only be served to overnight guests.
- b. B&B Inn (7 Guest Room)
  - i. An agri-tourism operation shall be limited to one (1) B&B facility (i.e., One (1) B&B Dwelling, Inn, or Hotel) or Health Farm.
  - ii. Meals shall only be served to overnight guests.
  - iii. A B&B Inn shall not be located closer than one hundred (100ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.
- c. B&B Hotel (20 Guest Room)
  - i. An agri-tourism operation shall be limited to one (1) B&B facility (i.e., One (1) B&B Dwelling, Inn, or Hotel) or Health Farm.

- ii. Meals shall only be served to overnight guests.
  - iii. The B&B Hotel shall not be located closer than three hundred (300ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than five hundred (500ft.) feet to an existing dwelling on an adjacent lot/parcel.
- d. Campground Glamping
  - ~~i. Campgrounds are subject to the Weber County Forest Campground Ordinance.~~
  - ii. Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does not exceed one (1) tent per five (5) Gross Acres.
  - iii. Occupancy shall not exceed six (6) persons per tent.
  - iv. Meals shall only be served to overnight guests.
  - v. Glamping area(s) shall be completely screened from street view.
  - vi. Glamping areas shall not be located closer than three hundred (300ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than five hundred (500ft.) feet to an existing dwelling on an adjacent lot/parcel.
- e. Carriage House
  - i. Carriage Houses shall be limited to a number that does not exceed the following calculation:
 

$$\begin{aligned} &\text{Adjusted Gross Acreage of the parcel upon which a Carriage House(s) is located} \\ &\div \text{Minimum single-family dwelling area requirement set forth by the zone in which the parcel(s) is located} \\ &\times \text{Ten (10\%) percent} \\ &= \text{Maximum number of Carriage Houses at an approved agri-tourism operation} \end{aligned}$$
  - ii. Meals shall only be served to overnight guests.
  - iii. A Carriage House shall consist of not more than eight hundred (800 sq.ft.) square feet, as measured by its footprint.
  - iv. Carriage Houses shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.
- f. Conference/Education Center
  - i. An agri-tourism operation shall be limited to one (1) Conference/Education Center.
  - ii. Meals shall only be served to conference or educational activity attendees.
  - iii. Conference/Education Centers shall not be located closer than three hundred (300ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than five hundred (500ft.) feet to an existing dwelling on an adjacent lot/parcel.
- g. Health Farm
  - i. An agri-tourism operation shall be limited to one (1) Health Farm or B&B facility (i.e., One (1) B&B Dwelling, Inn, or Hotel.
  - ii. Meals shall only be served to participating guests.
  - iii. A Health Farm shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.
- h. Single-Family Dwelling; aka Farm House
  - i. An agri-tourism operation shall be limited to one (1) single-family dwelling/farm house and is subject to the Weber County Zoning and platting requirements of the Subdivision Ordinance.

**2. Agriculturally Related Uses/Activities**

- a. Educational Classes
  - i. All courses of study or subject matter shall incorporate and consist of an agricultural and/or ecological component.
  - ii. Classes related to food preparation are subject to 46-4-8 of this ordinance.
- b. Mini-Market
  - i. Limited to agricultural products as defined in Chapter 1 – General Provisions, of the Weber County Zoning Ordinance.
- c. Multi-Farmer Open Air (Farmer's) Market
  - i. The operation of a Multi-farmer Open Air (Farmer's) Market shall be limited to the months of June through October.
  - ii. A Multi-farmer Open Air (Farmer's) Market shall not be located closer than two hundred (200ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.

**3. Non-Agriculturally Related Uses/Activities**

- a. Bakery/Café Featuring Farm Products
  - i. A Bakery/Café made part of an agri-tourism operation is subject to 46-4-8 of this ordinance.
  - ii. A Bakery/Café shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.
- b. Farm Stay
  - i. See Section 46-7-1 above.
- c. Food Concession Stand
  - i. A Concession Stand made part of an agri-tourism operation is subject to 46-4-8 of this ordinance.
- d. Gift Shop (Retail)
  - i. A Gift Shop and its outdoor display area or Gift Shop area within a multi-use building shall be limited to the following size standards: ~~consist of not more than eight hundred (800 sq. ft.) square feet, as measured by its footprint.~~
    - 1. Market Garden (3<5ac) - Seventy Five (75) square feet maximum.
    - 2. Family Farm (5<10ac) - One hundred (100) square feet maximum.
    - 3. Small Farm (10<20ac) - Two hundred (200) square feet maximum.
    - 4. Medium Farm (20<40ac) - Four hundred (400) square feet maximum.
    - 5. Large Farm (40<80ac) - Six hundred (600) square feet maximum.
    - 6. Ranch (>80ac) - Eight hundred (800) square feet maximum.
- e. Hunting Preserve
  - i. Limited to the Western Weber County Township.
  - ii. Limited to upland game and waterfowl hunting only.
  - iii. Subject to Utah Division of Wildlife Resource standards.

- f. On-Farm Store/Retail Market
  - i. Not less than one (1) agricultural product, offered at an On-Farm Store/Retail Market, shall be raised/cultivated and/or produced by the farm on which the On-Farm Store/Retail Market is operated.
  - ii. An On-Farm Store/Retail Market shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.
- g. Restaurant Featuring Farm Products
  - i. A Restaurant made part of an agri-tourism operation is subject to 46-4-8 of this ordinance.
  - ii. A Restaurant shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.
- h. Value Added Product Processing and Packaging (VAPPP)
  - i. VAPPP shall be limited to dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm on which the processing and packaging is taking place.
  - ii. VAPPP, related to the products listed immediately above, shall be limited to agri-tourism operations consisting of five (5) acres or more. The Planning Commission may allow up to a two (2) acre reduction to this limitation if it is found that the VAPPP will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the subject farm's boundary.
  - iii. A VAPPP building and any outdoor work area or VAPPP area within a multi-use building shall be limited to the following size standards:
    - 1. Market Garden (3<5ac) - Seventy Five (75) square feet maximum.
    - 2. Family Farm (5<10ac) - One hundred (100) square feet maximum.
    - 3. Small Farm (10<20ac) - Two hundred (200) square feet maximum.
    - 4. Medium Farm (20<40ac) - Four hundred (400) square feet maximum.
    - 5. Large Farm (40<80ac) - Six hundred (600) square feet maximum.
    - 6. Ranch (>80ac) - Eight hundred (800) square feet maximum.
  - iv. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.
  - v. The structure in which VAPPP takes place shall in no case be located closer than two hundred (200ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.

---

#### 46-8 Signs

Signs shall be regulated according to the requirements found in Chapter 32 (Signs) or Chapter 32B (Ogden Valley Signs) of the Weber County Zoning Ordinance.

---

## CHAPTER 46

**AGRI-TOURISM**

Consumer-Direct Sales, Education, Recreation, and Entertainment

- 46-1 Definitions (*To be moved to Chapter 1*)
- 46-2 Purpose and Intent
- 46-3 Applicability
- 46-4 General Development Standards
- 46-5 Agricultural Operation Designation
- 46-6 Permitted Uses/Activities Table
- 46-7 Use/Activity Standards and Limitations
- 46-8 Signs

**46-1. Definitions (*To be moved to Chapter 1 – General Provisions*)**

**Note:** The tilde symbol (~) indicates an existing definition.

**Accessory Dwelling Unit (ADU):** An accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The ADU is located in designated areas when constructed on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, an ADU may not, by any means, be sold/conveyed separately from the main house. The right to construct an ADU does not constitute a Transferable Development Right. See also Carriage House.

**Acreage, Productive Agri-tourism:** Agriculturally productive land area used for the combined purpose of cultivating agricultural products and hosting active "tourism" attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching, hunting, horseback/sleigh/wagon rides etc.).

**Acreage, Agri-tourism Activity Center:** The land area within an approved agri-tourism operation that contains the grouping or assemblage of agri-tourism uses/activities. Activity Center area consists of that impacted ground lying immediately adjacent to, in between, and within a reasonable distance around each use/activity. Distances greater than three hundred (300) feet in between uses/activities and their impacted grounds, represent a separation of activity centers.

**~Agriculture:** Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

**Agri-Tourism:** An agricultural accessory use that can provide a means of diversifying a farm's income through broadening its offerings and adding value to its products that are produced on it a farm. Agri-tourism businesses are permitted conditionally in designated zones, excepting those areas within residential subdivisions that are dedicated for the purpose of open space or common area. They operate during more than six (6) (consecutive or inconsecutive) days per year and provide agriculturally related, and in some instances, non-agriculturally related products and activities that attract members of the public to the farm for retail, educational, recreational, and/or general tourism purposes. Educational and recreational agri-tourism activities/uses may include but not be limited

**Comment [s1]:** New term and definition that explains how to represent/calculate the 20% maximum "agri-tourism" area.

**Comment [s2]:** Prohibits agri-tourism in subdivisions that have dedicated open space or common area. These areas are already serving the purpose of permanently preserved open space.

to, educational activities, nightly accommodations, entertainment opportunities, and/or outdoor recreation (e.g., farm tours, farm/cooking/ecological classes, farm-stays, corn mazes, and special occasions including weddings and family reunions, special events including harvest festivals and musical events, U-pick operations, agriculturally related competitions, and other similar events). Consumer-direct sales of farm products may include but not be limited to, open-air or farmers markets, on-farm produce stands, and Value Added Product Processing and Packaging and retail sales facilities (e.g., process pumpkins grown on-premise, into pumpkin pies).

**Comment [SM3]:** Defined below.

**Carriage House:** An accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The Carriage House may be constructed in designated areas when located on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, a Carriage House may not, by any means, be sold separately from the main house. The right to construct a Carriage House does not constitute a Transferable Development Right. See also Accessory Dwelling Unit.

**Conference/Education Center:** A facility ~~which has been planned, developed and constructed~~ designed for the purpose of conducting meetings for consultation, exchange of information and/or discussion which results in enhanced personal, business and/or professional development. ~~of a company's, corporations, or governmental agency's employees, for example, by scheduling~~ A conference/education center may provide office facilities and schedule a range of uses business related and/or leisure activities such as (e.g., training workshops, seminars, retreats and similar type meetings). Such a facility may serve meals and be used for offer day use only and/or may be planned with overnight lodging facilities not exceeding twenty (20) guest rooms.

**Comment [SM4]:** Improved and updated to include a maximum room standard where it did not limit it previously. Should this use offer "overnight lodging facilities" as it has in the past?

**Wellness-Retreat Health Farm:** A facility, including overnight lodging facilities not exceeding ten (10)-twelve (12) guest rooms, designed for the purpose of providing proactive health and wellness education and/or treatment physical exercise and diet regimens that can, in a rural and spa-like environment, improve one's quality of life. through enhancing physical, mental, and potentially spiritual health in a rural or natural and spa-like environment. Health and wellness Education and treatment opportunities may consist of, but are not limited to, general and specialized exercise, wellness, and nutritional classes/consultations; organic cooking classes/workshops; yoga; meditation; cranial-sacral, reiki, and massage. and diet therapy. A Health Farm may serve meals when consisting of an ingredients produced on the premises and only when served to participating clientele.

**Product, Agricultural:** Any raw product which is derived from agriculture, including fruits, vegetables, crops, floriculture, herbs, forestry, animal husbandry, livestock, aquaculture products, water plants, horticultural specialties, and other similar products that can be broadly classified as a food, fiber, fuel, or a raw material group. Specific foods may include cereals, fruits, vegetables, and meat. Fibers may include cotton, wool, hemp, silk and flax. Raw materials may include lumber and other plant products.

**Product, Agriculturally Related:** Any item that is sold at a specific farm, approved for agri-tourism, which attracts customers and promotes the sale of agricultural products. Such items may include, but are not limited to, all agricultural products, baked goods, cheese, ice cream and ice cream based desserts and beverages, jams, honey, and other food stuffs or products that feature ingredients produced on a specific farm, approved for agri-tourism, or other farm located within Weber County. Additional agriculturally related products may consist of, but are not limited to, gift items, clothing and other items that directly promote the specific farm and/or the agriculture industry in Weber County.

**Comment [SM5]:** Updated as per Planning Commission direction.

**Product, Non-Agriculturally Related:** Any item that is sold at a specific farm, approved for agri-tourism, which is not connected to farming nor derived from that farm's operation or other farm located in Weber County. Non-agriculturally related products may include, but are not limited to, novelty t-shirts or other clothing, crafts, knick-knacks and/or products imported from other counties, states or countries.

**Comment [SM6]:** Added only to be consistent with "Agriculturally Related" definition.

**Use/Activity, Agriculturally Related:** A use or activity that is part of a specific agri-tourism operation's total offerings and is primarily tied to that farm operation's agricultural products, buildings and/or equipment. Such Agriculturally Related Uses/Activities may include, but are not limited to, petting farm/zoos, corn mazes, pumpkin

patches, barn dances, sleigh/hay rides, and educational activities, such as farm tours, food preparation or ecological classes.

**Use/Activity, Non-Agriculturally Related:** A use or activity that is part of a specific agri-tourism operation's total offerings but is not tied to farming or that farm operation's agricultural products, buildings and/or equipment. Such non-agriculturally related uses/activities may include, but are not limited to, amusement rides/play area, bakery featuring farm products, café featuring farm products, gift shops, restaurants featuring farm products, concerts, non-agriculturally related festivals and sporting events, valued added product processing and packaging, residences and all other overnight accommodations.

**Miniature Market:** An agri-tourism use/activity that provides the opportunity for customers to purchase a wide variety of farm products at one farm location. A miniature-market does not consist of multiple farm vendors; however, it offers for sale, agricultural products and goods derived from the farm on which the miniature market is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.

**Comment [SM7]:** Changed "Mini" to "Miniature"; however, still looking for other term. Also added clarification that this is NOT a "farmers market". How about the simple term Farm Stand?

**U-Pick Operation:** An agri-tourism use/activity that provides the opportunity for customers to pick or harvest fruits and vegetables directly from the plant grown on a farm location.

**Play Area, Agri-tourism:** An land area within an agri-tourism operation's activity center that is dedicated to open and informal play. The play area may include but not be limited to, conventional playground equipment (e.g., slides, swings, climbing wall, etc.) and unconventional playground equipment (e.g., inflatable play area, sand/corn kernel box, tractor tires, straw bale mountain etc.).

#### **Seasonal Product Stand:**

**On-Farm Store/Retail Market, Agri-tourism:** An agri-tourism use/activity that provides the opportunity for a farmer to sell retail quantities of agriculturally related products and, in some cases, non-agriculturally related products directly to the consumer or agri-tourist.

**Comment [s8]:** This use can be offered through the "miniature market". See added language "and goods" in the above definition of "miniature market".

**Comment [s9]:** Now defined.

**Farm Stay:** A general agri-tourism use/activity category that is comprised of a variety of overnight accommodations made available at a working farm that is approved for an agri-tourism operation. A Farm Stay, for any group or individual, does not exceed fourteen (14) inconsecutive or non-consecutive calendar days per month; however, may serve be as an interactive recreational activity that offers agri-tourists, including children, opportunities to participate in feeding animals, collecting eggs, and/or learning how a farm functions through practical day to day experience. A farm stay may also consist of peaceful retreats or be described as a work exchange, where the guests, for recreational purposes, work in exchange for free or discounted accommodations.

**Comment [s10]:** Added to clarify that farm stays are very temporary stays.

**Farm Tour:** An agri-tourism use/activity that offers opportunities for the "non-farm" public to learn how a farm functions and where/how food, fiber, fuel, and other agricultural products are produced and/or packaged. Farm tours frequently highlight the history of the subject farm and in general, foster a broader understanding of the importance of agriculture and educate the public as to current agricultural practices and technology.

**Fee Fishing:** An agri-tourism use/activity, approved by the appropriate local, state and/or federal agency, that provides the opportunity for anglers to pay a fee for the right to fish on a farm. Fee fishing is a Non-Agriculturally Related Use unless provided as an accessory to a bona fide aquaculture operation.

**Glampering:** An agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis, fully furnished tents and sites that are characterized by furnishings, amenities, and comforts offered by a luxury hotel room. Furnishings, amenities, and comforts may include but not be limited to, luxurious décor, beds, linens, baths, veranda, spa services, concierge, dining and chef.

**Comment [SM11]:** New Term and definition to replace "campground" and its standards. See <http://www.pawvus.com/ylamping/pinnacle-camp.php> for example of "Glampering".

**Hunting Preserve:** An agri-tourism use/activity, approved by the appropriate local, state and/or federal agency, that provides the opportunity for an individual or group to pay a fee for the right to hunt on a farm. A hunting preserve is a "non-agriculturally related" use unless provided as an accessory to a bona fide agricultural operation.

**Special Occasion, Agri-tourism:** An agri-tourism use/activity that provides the opportunity for agri-tourists to rent an area that can act as a venue for events including, but not limited to, birthdays, weddings, family reunions, small scale fundraisers, and/or corporate picnics/outings that do not constitute a Special Event as defined by Title 20 – Weber County Special Events Ordinance.

**Value Added Product Processing and Packaging:** The process by which consumer appeal and/or the economic value of a raw agricultural commodity is increased. This process includes changing the physical state or form of a raw agricultural commodity (e.g., pumpkin) into a final retail product (e.g., pumpkin pie). Value added product processing and packaging is a non-agriculturally related use.

**Comment [SM12]:** New term and definition to replace "Agricultural Product Processing" as a use. New definition to clarify that a farm can produce a final product for a consumer, "farm to fork" style.

#### 46-2 Purpose and Intent

The purpose of this Chapter is to provide support and economically feasible land use alternatives to local and enterprising farm owners who are devoted to their land and are committed to providing authentic, agriculturally related products and experiences to the public. Agriculture is a very important contributor to Utah's economy and observably, an integral and indispensable part of Weber County's rich cultural heritage; therefore, it is the County's desire to create an environment in which agriculture is not only encouraged but can thrive. It is intended to benefit farm owners and the residents of Weber County through its ability to generate supplementary farm income while promoting the preservation of agricultural open space and significantly enhancing leisure, recreational, educational, and gastronomic opportunities for those in pursuit of such experiences in a rural farmland setting.

#### 46-3 Applicability

The standards found in this Chapter shall apply to all agri-tourism applications/operations. Also, all agri-tourism operations are subject to Chapter 22C (Conditional Uses) of the Weber County Zoning Ordinance which regulates the Conditional Use Permit application and review process. This process may include, but is not limited to, a review by the Weber County Planning Division, Building Inspection Department, Engineering Department, and Sheriff's Office. Other review agencies may include the Weber-Morgan Health Department, Weber Fire District, Utah State University Cooperative Extension, and/or other various state and federal agencies. Agri-tourism events that operate outside of "normal day-to-day" hours and/or involve spectators in a number greater than that which can be served by existing facilities shall be subject to Title 20 of the Weber County Ordinance - Code (Special Events Ordinance). Other ordinances, codes and/or regulations may apply; therefore, it shall be the responsibility of the applicant to know and understand all applicable standards and agency requirements.

#### 46-4 General Development Standards

The development standards imposed by this Section do not alter, supersede or nullify any codes, ordinances, statutes, or other applicable standards which may also regulate these same uses/activities.

1. **Primary Use:** Agriculture is the preferred use in agricultural zones; therefore, all agri-tourism uses/activities shall be complimentary and clearly accessory to the primary agricultural use. To guarantee legitimacy and viability, an agri-tourism operation shall demonstrate that the subject property has been qualified under the Farmland Assessment Act or that the subject property is currently, or will be within

the next growing season, producing an agricultural product in an amount that meets or exceeds the production requirement as established by the Farmland Assessment Act. A farmer, whose primary agricultural use is that of an apiary, shall be required to maintain two (2) hives per acre with a ten (10) hive minimum.

**Comment [s13]:** Moved this up from the "Production Section". This avoids a situation where most of the property is unproductive/inactive acreage that really only contributes to the gross number of acres which allows the more intense "tourism" uses. This avoids a 3 acre parcel with one goat or one bee hive claiming that agriculture is the primary use.

2. **Narrative:** In addition to the requirements listed in Chapter 22C (*Conditional Uses*) of the Weber County Zoning Ordinance, all agri-tourism applications shall be accompanied by a concise narrative describing the farm and the overall vision for the proposed agri-tourism operation. The narrative shall include farm history, a description and general maintenance plan for its agricultural product(s), and proposals for the following:

- a. Offerings for agriculturally related and non-agriculturally related products and uses/activities.
- b. Agriculturally related and non-agriculturally related types of facilities and equipment.
- c. Time(s) of "normal day-to-day" operation as referenced in Title 20 (*Weber County Special Events Ordinance*); 20-1-2(C).
- d. Anticipated number of daily patrons and employees.
- e. Parking needs.

3. **Access:** Notwithstanding Section 23-30 (Access to a Lot/Parcel Using a Private Right-of-Way/Easement) of the Weber County Zoning Ordinance, an agri-tourism operation is not required to have frontage or access directly off of a public or privately dedicated roadway.

**Comment [SM14]:** Added this section to clarify access standards for agriculture. Also updated Chapter 23 (23-30) to show overall criteria and conditions for lots proposing access via a right-of-way or easement.

4. **General Site and Building Design/Layout:** An agri-tourism operation shall have a general design and layout that concentrates all "tourism" uses and activities into a distinct activity center(s). The area within a developed activity center or combined area of multiple activity centers, excluding Productive Agri-tourism Acreage, trail corridors, and/or a half (1/2) acre for a farm-house farmer's residence and any uses confined thereto (e.g., home office, B&B, etc.), may consist of a total area that does not exceed twenty (20%) percent of a farm's overall Gross Acreage. The remaining acreage, shown outside of all activity centers, shall be maintained in a manner that is consistent with the farm's main agriculturally productive use(s) and historic condition, where that condition or circumstance (e.g., wetlands, drainages, or steep slopes) physically interferes with farm production.

**Comment [s15]:** To clarify that a farm can have multiple "centers". Activity centers and trail corridors were brought up by WSU.

Newly constructed buildings and facilities intended for agri-tourism purposes and/or to serve agri-tourism needs, shall reflect an architectural vernacular that is consistent with the area's rural character. Temporary sanitary facilities are discouraged; however, if found necessary, they shall be discretely incorporated into the agri-tourism operation and completely screened from street and adjacent property view.

**Comment [s16]:** To clarify that areas such as wetlands or drainages are allowed to be maintained as the same, due to the fact that these lands are "unfarmable".

5. **Ownership:** An agri-tourism operation may consist of multiple properties; however, all properties shall have identical and common ownership.
6. **Production:** An agri-tourism operation shall, with exception of the winter season, actively and continuously produce an agricultural product for sale and purchase. It shall also be demonstrated that the featured product(s) can be has been successfully grown and/or raised for a period of not less than one (1) year prior to making application for an agri-tourism operation. In the event that the agri-tourism operation's main, agricultural productivity ceases or becomes improperly maintained, as determined by the Planning Commission, the right to operate an agri-tourism business under a Conditional Use Permit may be revoked.
7. **Uses/Activities and Products:** All uses/activities and products (excluding meal, food item, and/or concession menus), made available at an agri-tourism operation, shall be subject to the following:

**Comment [SM17]:** Moved requirement to the "Narrative Section", took out the one year standard but required a general maintenance plan for main agricultural product. This still requires that the applicant show the Planning Commission an applicant's competency but would not cause a one year delay in making application.

- a. One-half (1/2) of all uses/activities and products, made available at an agri-tourism operation, shall be agriculturally related as defined in Chapter 1 – *General Provisions*, of the Weber County Zoning Ordinance.
  - b. One-half (1/2) of all agriculturally related products shall be raised/cultivated and/or produced by the farm on which the agri-tourism business is operated.
  - c. To ensure an appropriate balance and mixture of agriculturally related and non-agriculturally related uses/activities and products, the following methods, by which measurements are made, shall apply:
    - i. Uses/Activities shall be measured on a one-to-one basis.
    - ii. Agriculturally related and non-agriculturally related products shall be measured in units of volume (widthxheightxdepth), rounded to the nearest cubic foot, based on simple measurements of a products public display area.
  - d. The sale of non-agriculturally related products shall not exceed twenty-five (25) percent of the total gross revenue generated by the agri-tourism component of a farm operation.
  - e. The sale of motorized vehicles and equipment is prohibited.
8. **Meals, Food Items, and Concessions:** Meal, food item, and/or concession menus, offered at an agri-tourism operation, shall consist of not less than one (1) featured agricultural product or ingredient that has been produced or otherwise derived from the farm on which the agri-tourism operation is located or another commonly owned and/or independent or unaffiliated Weber County farm.
9. **Hours of Operation:** Agri-tourism uses/activities, not including: residential overnight accommodations and/or those conducted within a completely enclosed building, shall be limited to operating during the daily hours of 8:00am and 10:00pm. The Planning Commission may consider a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted.
10. **Development Agreement:** An agri-tourism operation shall, prior to the construction of any structure intended to accommodate agri-tourism uses, record a Farm Stay and Commercial Development Agreement, provided by Weber County, on all parcels utilized as part of an approved agri-tourism operation. A single-family dwelling or farm house and/or a structure that qualifies for an agricultural exemption is accepted from this standard when developed in accordance with the requirements found in the Weber County Zoning and/or Subdivision Ordinance.

**Comment [s18]:** This promotes agricultural and agriculturally related products. Do we care where the revenue comes from?

**Comment [s19]:** Would the PC's prefer that the host farm be required to provide at least one edible product? This would force a hay farm to diversify.

**Comment [s20]:** This standard put here eliminates the need to have it listed for each "food" use in Section 46-7 (Use/Activity Standards and Limitations).

**Comment [s21]:** This Agreement is intended to notify any potential purchasers, of the subject property, that the (farm) property cannot be divided in any manner other than through a legal subdivision process and land use review. For example, a subdivision and land use review would ensure that the public does not end up with a café that is outside of a commercial zone and/or agri-tourism operation that may not meet the area requirements due to an illegal division of land.

It is also intended to serve as an acknowledgement and agreement that the landowner will not operate an any agri-tourism business without an approved and agriculturally productive farm.

**Comment [SM22]:** This standard put here eliminates the need to have it listed for each use in Section 46-7 (Use/Activity Standards and Limitations).

**Comment [s23]:** This last sentence clarifies that there is no need for a separate agreement when a home or agriculturally exempt building has been legally developed and can stand alone (legal without the agri-tourism approval) on the subject property.

#### 46-5 Agricultural Operation Designation

The following establishes a categorical designation for agricultural operations based on acreage:

1. **Market Garden:** Includes an agriculturally productive property consisting of three (3) acres or more; however, less than five (5) acres.
2. **Family Farm:** Includes an agriculturally productive property consisting of five (5) acres or more; however, less than ten (10) acres.
3. **Small Farm:** Includes an agriculturally productive property consisting of ten (10) acres or more; however, less than twenty (20) acres.
4. **Medium Farm:** Includes an agriculturally productive property consisting of twenty (20) acres or more; however, less than forty (40) acres.
5. **Large Farm:** Includes an agriculturally productive property consisting of forty (40) acres or more; however, less than eighty (80) acres.
6. **Ranch:** Includes an agriculturally productive property consisting of eighty (80) acres or more.

## 46-6 Permitted Uses/Activities Table

The following uses/activities have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. As stated above, these uses/activities may be subject to other requirements beyond those imposed by this Chapter; therefore, it shall not be construed in any manner that this Chapter alters, supersedes or nullifies any requirements contained in other codes, ordinances, statutes, or applicable standards. Those uses/activities marked with an asterisk (\*) have additional design and/or limitation standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable standards. See Section 46-7 for specific design and/or limitation standards associated with each use/activity marked with an asterisk (\*).

Uses/Activities	Farm Designations					
	Market Garden (3-<5 acres)	Family Farm (5-<10 acres)	Small Farm (10-<20 acres)	Medium Farm (20-<40 acres)	Large Farm (40-<80 acres)	Ranch (≥80 acres)
<b>Farm Stay (Residential and Overnight Accommodation) Uses/Activities</b>						
B&B Dwelling (2 Room)*			*	*	*	*
B&B Hotel (20 Room)*					*	*
B&B Inn (7 Room)*			*	*	*	*
Campground* Glamping*					*	*
Carriage House*					*	*
Conference/Education Center*					*	*
Single-Family Dwelling; aka Farm House*	*	*	*	*	*	*
Wellness-Retreat Health Farm*				*	*	*
<b>Agriculturally Related Uses/Activities</b>						
Barn Dance		*	*	*	*	*
Community Garden/Rent-A-Row			*	*	*	*
Community Supported Agriculture	*	*	*	*	*	*
Corn Maze				*	*	*
Educational Classes	*	*	*	*	*	*
Farm Museum		*	*	*	*	*
Farm-Product-Processing-and Packaging*- See Value Added...		*	*	*	*	*
Farm Tour	*	*	*	*	*	*
Fee Fishing (If Aquaculture)		*	*	*	*	*
Miniature-Market*	*	*	*	*	*	*
Multi-Farmer Open Air (Farmer's) Market, Agri-tourism*				*	*	*
Nursery (Plant Cultivation)	*	*	*	*	*	*
Petting Farm/Zoo		*	*	*	*	*
Seasonal-Product-Stand* <del>Define</del>			*	*	*	*
Sleigh/Hay Ride			*	*	*	*
Special Event; As Defined by Title 20-Weber County Special events Ordinance	*	*	*	*	*	*
Special Occasion, Agri-tourism				*	*	*
U-Pick Operation/Pumpkin Patch	*	*	*	*	*	*

**Comment [s24]:** Added to "Medium Farm" because number of rooms was reduced to 10 instead of 12 and limited "group" farm stays such as B&B's but not Glamping or Conference/Education Center.

**Comment [s25]:** Eliminate. This can be allowed through a "miniature market".

<b>Non-Agriculturally Related Uses/Activities</b>						
Bakery/Café Featuring Farm Products*				•	•	•
Conference/Education Center*					•	•
Fee Fishing		•	•	•	•	•
Food Concessions Stand*			•	•	•	•
Gift Shop (Retail)*	•	•	•	•	•	•
Haunted House/Hay Stack/Farm			•	•	•	•
Hunting Preserve*						•
On-Farm Store/Retail Market, Agri-tourism*					•	•
Play Area, Agri-tourism		•	•	•	•	•
Restaurant Featuring Farm Products*				•	•	•
Special Event; As Defined by Title 20 - Weber County Special Events Ordinance	•	•	•	•	•	•
Wellness-Retreat Health Farm*					•	•
Value Added Product Processing*	•	•	•	•	•	•

**Comment [s26]:** Added new farm sizes due to new limitations on size/scale. Also this provides the only consumer direct (retail) outlet for a farmer on farm sizes ranging from 3 acres to 20 acres.

**Comment [s27]:** Wasatch County limits this to 50+ acre parcels but allows it to cover 2.5 acres and process up to 50% of ag. products from other farms.

#### 46-7 Use/Activity Standards and Limitations

To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses listed below shall be subject to additional standards beyond any provided within other, expressed and/or unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional standards and/or limitations, may be waived by the Planning Commission upon finding that either: a proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that a proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions that justify the use's/activity's approval.

##### 1. Farm Stay (Residential and Overnight Accommodation) Uses/Activities

- a. B&B Dwelling (2 Guest Room)
  - i. An agri-tourism operation shall be limited to one (1) B&B facility (i.e., One (1) B&B Dwelling, Inn, or Hotel) or Health Farm.
  - ii. Meals shall only be served to overnight guests.
- b. B&B Inn (7 Guest Room)
  - i. An agri-tourism operation shall be limited to one (1) B&B facility (i.e., One (1) B&B Dwelling, Inn, or Hotel) or Health Farm.
  - ii. Meals shall only be served to overnight guests.
  - iii. A B&B Inn shall not be located closer than one hundred (100ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.
- c. B&B Hotel (20 Guest Room)
  - i. An agri-tourism operation shall be limited to one (1) B&B facility (i.e., One (1) B&B Dwelling, Inn, or Hotel) or Health Farm.

- ii. Meals shall only be served to overnight guests.
  - iii. The B&B Hotel shall not be located closer than three hundred (300ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than five hundred (500ft.) feet to an existing dwelling on an adjacent lot/parcel.
- d. Campground/Glamping
- i. ~~Campgrounds are subject to the Weber County Forest Campground Ordinance.~~
  - ii. Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does not exceed one (1) tent per five (5) Gross Acres.
  - iii. Occupancy shall not exceed six (6) persons per tent.
  - iv. Meals shall only be served to overnight guests.
  - v. Glamping area(s) shall be completely screened from street view.
  - vi. Glamping areas shall not be located closer than three hundred (300ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than five hundred (500ft.) feet to an existing dwelling on an adjacent lot/parcel.
- e. Carriage House
- i. Carriage Houses shall be limited to a number that does not exceed the following calculation:  

$$\begin{aligned} &\text{Adjusted Gross Acreage of the parcel upon which a Carriage House(s) is located} \\ &+ \text{Minimum single-family dwelling area requirement set forth by the zone in which the parcel(s) is located} \\ &\times \text{Ten (10\%) percent} \\ &= \text{Maximum number of Carriage Houses at an approved agri-tourism operation} \end{aligned}$$
  - ii. Meals shall only be served to overnight guests.
  - iii. A Carriage House shall consist of not more than eight hundred (800 sq.ft.) square feet, as measured by its footprint.
  - iv. Carriage Houses shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.
- f. Conference/Education Center
- i. An agri-tourism operation shall be limited to one (1) Conference/Education Center.
  - ii. Meals shall only be served to conference or educational activity attendees.
  - iii. Conference/Education Centers shall not be located closer than three hundred (300ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than five hundred (500ft.) feet to an existing dwelling on an adjacent lot/parcel.
- g. Health Farm
- i. An agri-tourism operation shall be limited to one (1) Health Farm or B&B facility (i.e., One (1) B&B Dwelling, Inn, or Hotel).
  - ii. Meals shall only be served to participating guests.
  - iii. A Health Farm shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.
- h. Single-Family Dwelling; aka Farm House
- i. An agri-tourism operation shall be limited to one (1) single-family dwelling/farm house and is subject to the Weber County Zoning and platting requirements of the Subdivision Ordinance.

2. Agriculturally Related Uses/Activities

- a. Educational Classes
  - i. All courses of study or subject matter shall incorporate and consist of an agricultural and/or ecological component.
  - ii. Classes related to food preparation are subject to 46-4-8 of this ordinance.
- b. Mini-Market
  - i. Limited to agricultural products as defined in Chapter 1 – General Provisions, of the Weber County Zoning Ordinance.
- c. Multi-Farmer Open Air (Farmer's) Market
  - i. The operation of a Multi-farmer Open Air (Farmer's) Market shall be limited to the months of June through October.
  - ii. A Multi-farmer Open Air (Farmer's) Market shall not be located closer than two hundred (200ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.

3. Non-Agriculturally Related Uses/Activities

- a. Bakery/Café Featuring Farm Products
  - i. A Bakery/Café made part of an agri-tourism operation is subject to 46-4-8 of this ordinance.
  - ii. A Bakery/Café shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.
- b. Farm Stay
  - i. See Section 46-7-1 above.
- c. Food Concession Stand
  - i. A Concession Stand made part of an agri-tourism operation is subject to 46-4-8 of this ordinance.
- d. Gift Shop (Retail)
  - i. A Gift Shop and its outdoor display area or Gift Shop area within a multi-use building shall be limited to the following size standards: ~~consist of not more than eight hundred (800 sq. ft.) square feet, as measured by its footprint.~~
    - 1. Market Garden (3<5ac) - Seventy Five (75) square feet maximum.
    - 2. Family Farm (5<10ac) - One hundred (100) square feet maximum.
    - 3. Small Farm (10<20ac) - Two hundred (200) square feet maximum.
    - 4. Medium Farm (20<40ac) - Four hundred (400) square feet maximum.
    - 5. Large Farm (40<80ac) - Six hundred (600) square feet maximum.
    - 6. Ranch (>80ac) - Eight hundred (800) square feet maximum.
- e. Hunting Preserve
  - i. Limited to the Western Weber County Township.
  - ii. Limited to upland game and waterfowl hunting only.
  - iii. Subject to Utah Division of Wildlife Resource standards.

**Comment [s28]:** Sandhill Farms represents this farm size and had a small wooden rack displaying t-shirts inside of the farm equipment building.

f. On-Farm Store/Retail Market

- i. Not less than one (1) agricultural product, offered at an On-Farm Store/Retail Market, shall be raised/cultivated and/or produced by the farm on which the On-Farm Store/Retail Market is operated.
- ii. An On-Farm Store/Retail Market shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.

g. Restaurant Featuring Farm Products

- i. A Restaurant made part of an agri-tourism operation is subject to 46-4-8 of this ordinance.
- ii. A Restaurant shall not be located closer than one hundred fifty (150ft.) feet to any agri-tourism operation's perimeter boundary line and in no case located closer than three hundred (300ft.) feet to an existing dwelling on an adjacent lot/parcel.

h. Value Added Product Processing and Packaging (VAPPP)

- i. VAPPP shall be limited to dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm on which the processing and packaging is taking place.
- ii. VAPPP, related to the products listed immediately above, shall be limited to agri-tourism operations consisting of five (5) acres or more. The Planning Commission may allow up to a two (2) acre reduction to this limitation if it is found that the VAPPP will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the subject farm's boundary.
- iii. A VAPPP building and any outdoor work area or VAPPP area within a multi-use building shall be limited to the following size standards:
  1. Market Garden (3<5ac) - Seventy Five (75) square feet maximum.
  2. Family Farm (5<10ac) - One hundred (100) square feet maximum.
  3. Small Farm (10<20ac) - Two hundred (200) square feet maximum.
  4. Medium Farm (20<40ac) - Four hundred (400) square feet maximum.
  5. Large Farm (40<80ac) - Six hundred (600) square feet maximum.
  6. Ranch (>80ac) - Eight hundred (800) square feet maximum.
- iv. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.
- v. The structure in which VAPPP takes place shall in no case be located closer than two hundred (200ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.

**Comment [SM29]:** Moved this to "Non-related" to avoid a situation that would allow processing (previously "related") and a farm store (non-related).

46-8 Signs

Signs shall be regulated according to the requirements found in Chapter 32 (Signs) or Chapter 32B (Ogden Valley Signs) of the Weber County Zoning Ordinance.

→ STATE FARM/Ag. TOUR SIGN THROUGH. UTAH OFFICE OF TOURISM